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STATE REGISTER

STATE OF MINNESOTA

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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 8			
48	Monday May 14	Monday May 21	Monday May 28
49	Friday May 18	Friday May 25	Monday June 4
50	Friday May 25	Monday June 4	Monday June 11
51	Monday June 4	Monday June 11	Monday June 18

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

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How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

ALL ADOPTED RULES and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

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Issues 14-25, inclusive	Issues 40-51, inclusive
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EXECUTIVE ORDERS

Emergency Executive Order No. 84-8

Providing for Emergency Assistance to Officials of Hennepin and Ramsey Counties

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the officials of Hennepin and Ramsey Counties requested assistance in preserving life and property in their counties as a result of serious damage caused by tornadoes, high winds, and other adverse weather conditions; and

WHEREAS, Hennepin and Ramsey Counties and other local officials have exhausted all available resources in their efforts to preserve life and property from destruction caused by such adverse weather conditions; and

WHEREAS, it is necessary for the preservation of life and property in Hennepin and Ramsey Counties that the State provide assistance to those county and local officials;

NOW, THEREFORE, I order:

1. The Adjutant General of Minnesota shall order to active duty on and after April 26, 1984, in the service of the State, such elements of the military forces of the State as are necessary to assist Ramsey and Hennepin County and local officials in preserving life and property.

2. The costs of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in Minnesota Statutes 1982, Sections 192.49, Subdivision 1; 192.51; and 192.52.

This Order is effective retroactively to April 26, 1984, and shall remain in force until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF I have set my hand this 27th day of April, 1984.



PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
 2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
 3. of the manner in which persons shall request a hearing on the proposed rules;
- and
4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Bureau of Mediation Services

Proposed Rules Governing Questions of Representation; Fair Share Fees and Public Employee Dispute Resolution

Notice of Intent to Adopt Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the Bureau of Mediation Services proposes to adopt the above-entitled rules without a public hearing. The Bureau has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedure set forth in Minnesota Statutes §§ 14.21 through 14.28 (Supp. 1983), as amended by Minn. Laws 1984, ch. 640, §§ 12-15, 33-34.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes §§ 14.14 through 14.18 (Supp. 1983), as amended by Minn. Laws 1984, ch. 640, §§ 7-11.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Paul Goldberg, Director
Bureau of Mediation Services
205 Aurora Avenue
Saint Paul, Minnesota 55103
(612) 296-2525

Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

Authority for the adoption of these rules is contained in Minn. Laws 1984, ch. 462, § 5, subd. 3(f). Additionally, the Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared by and is available from Paul Goldberg upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for

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PROPOSED RULES

review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Paul Goldberg.

The rules proposed for adoption relate to the following matters: the rules governing procedures for questions of representation and fair share fee challenges have been modified to provide clarification, eliminate repetition and codify existing practices; the rules governing procedures for negotiations, mediation, certification of impasse, interest arbitration and the right to strike have been modified to provide clarification, eliminate repetition and codify existing practices. The rules thereby promote the understanding of public employees, employee organizations and employers of their rights and obligations under the Public Employment Labor Relations Act.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Paul Goldberg.

Paul Goldberg, Director
Bureau of Mediation Services

Rules as Proposed (all new material)

5510.0110 APPLICATION.

Parts 5510.0110 to 5510.2310 apply to proceedings before the director involving matters of representation and fair share fee challenges under the act.

5510.0210 POLICY.

Parts 5510.0110 to 5510.2310 shall be liberally construed to accomplish the purposes and provisions of the act. Any requirements of these parts may be waived by agreement of all parties and the approval of the director.

5510.0310 DEFINITIONS.

Subpart 1. General. For the purpose of parts 5510.0110 to 5510.2310 the words defined in this part have the meanings given them.

Subp. 2. Amendment of certification or amendment of exclusive representative. "Amendment of certification" or "amendment of exclusive representative" means a change in the certification by the director of a nature which the director deems does not raise a question or representation.

Subp. 3. Appearance status. "Appearance status" means the status of a nonparty having an interest in a matter before the director to participate in bureau proceedings.

Subp. 4. Act. "Act" means the Public Employment Labor Relations Act of 1971, as amended.

Subp. 5. Board. "Board" means the Public Employment Relations Board.

Subp. 6. Bureau. "Bureau" means the Bureau of Mediation Services.

Subp. 7. Certification of exclusive representative or certification. "Certification of exclusive representative" or "certification" means the granting of the status of exclusive representative to an employee organization by a written order of the director.

Subp. 8. Certification petition. "Certification petition" means a petition filed by an employee organization stating that at least 30 percent of the employees of a proposed appropriate unit, which is presently unrepresented, wish to be represented by the petitioner.

Subp. 9. Decertification petition. "Decertification petition" means a petition filed by an individual employee or group of employees stating that the current exclusive representative no longer represents the majority of the employees in an appropriate unit and that at least 30 percent of the employees no longer wish to be represented.

Subp. 10. Determination of affiliation or affiliation. "Determination of affiliation" or "affiliation" means the determination of affiliation of a supervisory or confidential employee organization under Minnesota Statutes, section 179A.06, subdivision 2.

Subp. 11. Director. "Director" means the director of the Bureau of Mediation Services or an authorized agent.

Subp. 12. Effective date of orders. "Effective date of orders" means, for any determination or decision issued by the director, the day following issuance unless otherwise provided.

Subp. 13. Hearing officer or mediator. "Hearing officer" or "mediator" means the director or an authorized agent.

Subp. 14. Open-window period. "Open-window period" means the following period of time prior to the expiration of a labor contract:

- A. for the state executive branch, 270 to 210 days;
- B. for teachers, 180 to 120 days; and

C. for all other public employees, 120 to 60 days.

Subp. 15. Party. "Party" means any exclusive representative, employee organization, or public employer recognized by the director whose legal rights, duties, and privileges will be directly determined in the proceedings; or any public employee who has filed a fair share fee challenge or decertification petition.

Subp. 16. Petition. "Petition" means a written document containing information required by the director.

Subp. 17. Representation petition. "Representation petition" means a petition filed by an employee organization stating that the exclusive representative no longer represents the majority of employees in an appropriate unit; and at least 30 percent of the employees in the appropriate unit wish to be represented by the petitioner.

Subp. 18. Service or serve. "Service" or "serve" means service of a document required by parts 5510.0110 to 5510.2310, in person or by the United States Postal Service, postage prepaid and addressed to the bureau or a party at its last known address, unless some other manner of service is required by law. Unless otherwise provided by these parts, service upon the director or a party is effective upon receipt.

Subp. 19. Showing of interest or interest. "Showing of interest" or "interest" means the submission of authorization signatures in the form of individual authorization cards to show support for a petition filed with the director.

Subp. 20. Time. "Time" means, in computing any period of time prescribed or allowed by parts 5510.0110 to 5510.2310, that the day or any act or event on which the designated period of time begins to run shall not be included. The last day of the time period shall be included unless it is a Saturday, Sunday, or legal holiday.

Subp. 21. Transfer of exclusive representative status. "Transfer of exclusive representative status" means the transfer of the rights and obligations of an exclusive representative to another employee organization.

Subp. 22. Unfair election practice. "Unfair election practice" means any prohibition defined in part 5510.2110, or a violation of an election order issued by the director, and any unfair practice as defined by Minnesota Statutes, section 179A.13, committed by an employer or its agents or an employee organization or its agents, or an employee, which affects the result of a certification, representation, or decertification election.

Subp. 23. Unit clarification or clarification petition. "Unit clarification" or "clarification petition" means a determination of the director regarding an appropriate unit involving:

- A. inclusions or exclusions of positions or job classifications in an appropriate unit;
- B. the confidential, supervisory, or essential status of positions, classifications, or the unit itself;
- C. modification of the unit description; or
- D. modification of the unit structure.

5510.0410 FILING PETITION.

Subpart 1. Conditions. To file a petition an employee organization or exclusive representative must:

A. have a written constitution or bylaws that provides for:

- (1) election of officers;
- (2) filling of vacancies; and

(3) a purpose which, in whole or in part, must be to deal with public employers concerning grievances and terms and conditions of employment; and

B. have the petition signed by an authorized representative of the employee organization.

To file a petition an employer must have the petition signed by an authorized representative of the employer.

To file a petition a public employee must be included in an appropriate unit for which there is an exclusive representative, or be subject to a fair share fee assessment by the exclusive representative.

Subp. 2. Eligibility; single-party petition.

A. An employee organization may file petitions for:

- (1) certification of exclusive representative; and

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PROPOSED RULES

(2) challenge of affiliation.

B. An employer may file petitions for:

- (1) certification of exclusive representative;
- (2) unit clarification;
- (3) amendment of certification; and
- (4) challenge of affiliation.

C. An exclusive representative may file petitions for:

- (1) unit clarification;
- (2) amendment of certification;
- (3) transfer of exclusive representative status; and
- (4) abandonment of exclusive representative status.

D. A public employee may file petitions for:

- (1) decertification of exclusive representative;
- (2) challenge of fair share fee assessment; and
- (3) challenge of affiliation.

Subp. 3. Eligibility; joint-party petition.

A. One or more employee organizations and an employer may file a joint petition for certification of exclusive representative.

B. An exclusive representative and an employer may file a joint petition for unit clarification.

C. Two or more employee organizations may jointly file any petition which a single employee organization has the right to file.

Subp. 4. Petition requirements. A petition must be in writing on forms available from the bureau and shall contain the name, address, and phone number of:

- A. the petitioner;
- B. the petitioner's representative, if any;
- C. the other party; and
- D. the other party's representative, if any.

5510.0510 LIMITATION ON FILING PETITION.

Subpart 1. Contract bar. If there is an exclusive representative and a labor contract in effect, the director shall consider a petition for clarification, decertification, or representation only:

- A. when it is submitted during the open-window period or after the expiration date in the contract;
- B. when it is submitted jointly by the employer and the exclusive representative; or
- C. when the director determines that the interests of good labor relations policy warrant consideration of the petition during the life of the existing contract.

Subp. 2. One-year election bar. When a certification election, representation election, or decertification election has been held, no petition seeking an election shall be entertained for a one-year period from the date the director has issued the certification of the results of the election.

Subp. 3. Transfer bar. The director shall not entertain a petition for transfer of exclusive representative status for a one-year period from the date of certification or from the date of transfer of exclusive representative status.

Subp. 4. Arbitration bar. If there is an exclusive representative and a labor contract, and impasse in the negotiation of a successor contract has been certified for arbitration under Minnesota Statutes, section 179A.16, subdivision 1 or 2, a petition raising a question of representation or decertification shall not be considered following certification of impasse to the board. This bar shall continue in effect until the arbitration award is issued and a contract is executed pursuant to Minnesota Statutes, section 179A.20, subdivision 1.

Subp. 5. Fair share fee challenge. A petition challenging the fair share fee assessment must be received by the director no later than 30 days after receipt of the written notice of assessment by the petitioner and be accompanied by the proper filing fee.

Subp. 6. Constitution and bylaws. A current copy of the employee organization's constitution or bylaws, unless on file with the director, must accompany the following petitions:

- A. certification election;
- B. representation election;
- C. amendment of certification; and
- D. transfer of exclusive representative status.

Subp. 7. Petitions filed with director. All petitions shall be filed with the director in person or by mail.

5510.0610 WITHDRAWAL.

Subpart 1. Generally. A certification, representation, or decertification petition or a showing of interest may be withdrawn by a party at any point prior to the fifth day following issuance of an appropriate unit determination by the director. A clarification, transfer of exclusive representative status, fair share challenge, amendment of certification, or affiliation petition may be withdrawn at any time prior to the close of the hearing on the petition. A withdrawal must either be stated on the record at the hearing or be in writing and served as provided by parts 5510.0110 to 5510.2310.

Subp. 2. Certification election. If the employee organization withdraws, and no other employee organizations have petitioned or intervened, the petition shall be dismissed. If another employee organization has also petitioned or has intervened, the matter shall proceed, but the withdrawing organization shall not be listed on the ballot.

Subp. 3. Representation election. If the incumbent exclusive representative withdraws, the matter will be processed as though a certification petition had been filed by the challenging employee organization.

A challenging employee organization which withdraws in accordance with this chapter shall not be listed on the ballot. If all challengers have withdrawn, the petition shall be dismissed.

Subp. 4. Decertification election. If the petitioner withdraws and no other employee organization has petitioned or intervened, the petition shall be dismissed. If the petitioner withdraws, but another employee organization which has petitioned or intervened does not, the matter shall be processed as a representation petition.

5510.0710 CERTIFICATION, REPRESENTATION, AND DECERTIFICATION PETITIONS.

Subpart 1. Filing of petition. An employee organization or an employer may file a certification, representation, or decertification petition. A petition for certification, representation, or decertification must include:

- A. the name, address, and phone number of all other employee organizations or exclusive representatives known to have an interest in or claiming to represent any of the employees involved;
- B. a statement regarding whether there is a labor contract in effect and its expiration date;
- C. the type of public employer involved;
- D. the approximate number of employees included in the proposed or previously determined appropriate unit;
- E. the proposed or previously determined appropriate unit description;
- F. a statement indicating that at least 30 percent of the employees in the proposed or previously determined unit support the intent of the petition;
- G. the date the petition is signed; and
- H. the name and title of the person signing the petition.

Subp. 2. Showing of interest. Evidence of a showing of interest in the form of authorization signatures must accompany all petitions. An adequate showing of interest for the conduct of an investigation or hearing shall be authorization signatures from 30 percent or more of the estimated number of employees in the established or proposed appropriate unit. Evidence of a showing of interest may continue to be submitted up to the close of the hearing.

5510.0810 AUTHORIZATION SIGNATURES.

Subpart 1. Confidentiality. Authorization signatures submitted in support of a petition shall be privileged and confidential information pursuant to Minnesota Statutes; section 179A.12, subdivision 6, and may only be withdrawn by the petitioner.

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Subp. 2. Valid authorization signatures. Authorization signatures submitted in accordance with Minnesota Statutes, section 179A.12, must be in the form of authorization cards which include:

- A. a statement clearly reflecting the employee's support for the purpose of the petition;
- B. the clearly printed name of the employee making the authorization;
- C. the signature of the employee; and
- D. the date the employee signed the card.

Authorization cards may contain the name, address, and phone number of an employee organization.

Subp. 3. Invalid authorization card. The director shall consider invalid any authorization card which:

- A. does not include the information and statements required by parts 5510.0110 to 5510.2310;
- B. contains statements of explanation, interpretation, or advice;
- C. is modified or altered in any way; or
- D. is dated more than six months prior to the receipt of the petition by the director.

Subp. 4. Effect of invalid authorization card. The director shall not include invalid authorization cards in determining whether a petition has the necessary showing of interest. If there is evidence that authorization cards submitted to establish a showing of interest were obtained or submitted in a fraudulent manner, the petition or intervention will be denied and a one-year election bar for that unit shall be applied to the party submitting fraudulent cards.

5510.0910 UNIT CLARIFICATION PETITION.

Subpart 1. Filing of petition. An exclusive representative or an employer may file a unit clarification petition. A petition for unit clarification must include:

- A. a statement regarding whether there is a labor contract in effect and its expiration date;
- B. the type of public employer involved;
- C. the approximate number of employees affected by the proposed unit clarification;
- D. a specific statement of the unit clarification requested and the reasons for the request;
- E. the date the petition is signed; and
- F. the name and title of the person signing the petition.

5510.1010 AMENDMENT OF CERTIFICATION PETITION.

Subpart 1. Filing petition. An exclusive representative or an employer may file an amendment petition. A petition for amendment of certification must include:

- A. a statement of the amendment requested;
- B. the date the petition is signed; and
- C. the name and title of the person signing the petition.

5510.1110 CHALLENGE TO AFFILIATION PETITION.

Subpart 1. Filing petition. An employee, employer, or employee organization may file a petition challenging the affiliation of an employee organization in accordance with Minnesota Statutes, section 179A.06, subdivision 2. A petition challenging affiliation must include:

- A. a statement of the reasons the affiliation is improper;
- B. the name of the employee organization involved;
- C. the date the petition is signed; and
- D. the name and title of the person signing the petition.

Subp. 2. Status of certification. If the affiliation of an employee organization is determined to be improper, the director shall withdraw the certification of the involved employee organization as the exclusive representative for the unit for which the challenge was raised, and dismiss any matters pending before the bureau involving questions of representation or mediation.

If the affiliation of an employee organization is determined to be proper, the director shall affirm its standing as a proper employee organization and dismiss the challenge petition.

Subp. 3. Status of contract. Upon the withdrawal of the status of representative pursuant to a determination of improper affiliation, any contract within the meaning of Minnesota Statutes, section 179A.20, which covers employees of the unit for which withdrawal was ordered and to which the involved organization is a party is null and void as of the date of the director's determination.

5510.1210 TRANSFER OF EXCLUSIVE REPRESENTATIVE STATUS.

Subpart 1. Filing petition. An exclusive representative may file a transfer petition. A petition transferring exclusive representative status must include:

- A. documentation substantiating that the requirements of parts 5510.0110 to 5510.2310 have been met;
- B. a copy of the incumbent exclusive representative's current constitution or bylaws unless on file with the director;
- C. documentation substantiating that the requirements of the constitution or bylaws of the exclusive representative have been met;
- D. a copy of the current constitution or bylaws of the employee organization which has agreed to accept the transfer of the exclusive representative's rights and obligations, unless on file with the bureau; and
- E. a copy of the current labor contract and certification of the exclusive representative.

Subp. 2. Right to transfer. An exclusive representative may transfer its rights and obligations to another employee organization by complying with subparts 3 and 4.

Subp. 3. Notice. The exclusive representative must provide advance written notice of the proposed transfer to each employee in the appropriate unit. The notice must state the time and location of the meeting or meetings to be held by the exclusive representative relating to the proposed transfer.

Subp. 4. Meeting. The exclusive representative must hold a meeting or meetings to permit discussion of the proposed transfer at a time and location which is reasonably convenient for the majority of the employees in the appropriate unit.

Subp. 5. Election. The exclusive representative must conduct a secret ballot election among all employees in the appropriate unit to determine approval or rejection of the proposed transfer in accordance with their constitutional requirements.

Subp. 6. Petition. If a majority of the employees vote in favor of the transfer, a petition shall be filed by the exclusive representative with the director.

Subp. 7. Order. Based on the record of hearing, the director may:

- A. issue an amended certification of exclusive representative;
- B. order a representation election; or
- C. dismiss the petition.

Subp. 8. Rights. The incoming exclusive representative shall have all rights and obligations established by the labor contract in effect and the act; and administer the existing labor contract until its expiration.

5510.1310 ABANDONMENT OF EXCLUSIVE REPRESENTATIVE STATUS.

Subpart 1. Filing petition. An exclusive representative may file an abandonment petition subject to parts 5510.0110 to 5510.2310. A petition abandoning the status of exclusive representative must contain a statement that clearly indicates that the exclusive representative no longer wishes to represent the appropriate unit at the expiration of the contract or the one-year certification period.

Subp. 2. When effective. An exclusive representative may abandon its status effective on or after the expiration of the labor contract or effective on or after the expiration of a one-year period from the date of certification, whichever is later.

Subp. 3. Retention of rights and duties. An exclusive representative abandoning its status retains the rights and obligations under the act and under the labor contract until its expiration.

Subp. 4. Notice. A notice of abandonment must be served in writing upon the director and the employer.

Subp. 5. Contract bar. If abandonment occurs, there shall be no bar to the conduct of a certification election.

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5510.1410 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. Advance notice of fair share fee assessment. Notice of the fair share fee must be provided:

- A. upon initial implementation of the fair share fee assessment;
- B. to employees hired after the original notice has been issued; and
- C. upon a change in the amount of the fair share fee assessment.

Subp. 2. Notice of assessment. The exclusive representative must provide advance written notice of the amount of the fair share fee assessment to the director, the employer, and each employee assessed. The notice must contain:

- A. the name, address, and telephone number of the exclusive representative;
- B. the amount of the regular dues of the exclusive representative;
- C. the amount of the fair share fee assessment;
- D. a statement identifying benefits available only to members of the exclusive representative and the monetary cost of the regular membership dues attributable to each benefit;
- E. the bureau's current mailing address; and
- F. a statement as follows: "An employee may challenge this assessment by filing a challenge with the Bureau of Mediation Services within 30 calendar days after receipt of this notice. The challenge must specify those portions of the assessment being contested and the reasons therefor, and copies of the challenge must be sent to your employer and this organization. The Public Employment Labor Relations Act requires a fee for filing challenges. Forms for challenges and a copy of the rules governing them are available from the bureau without charge."

Subp. 3. Employer provided information. The employer shall provide to the exclusive representative the name, home mailing address, and social security number or other necessary payroll deduction information for all employees in the appropriate unit. Questions of necessary payroll deduction information shall be determined by the director.

Subp. 4. Mailing notice. The notice of the fair share fee assessment shall be mailed by the exclusive representative to the employee's last known home mailing address provided by the employer.

Subp. 5. Assessment. On the effective day of the fair share fee assessment and thereafter, the amount of the assessment shall be deducted by the employer from the pay of the employee. The amounts deducted must be held in escrow by the employer and not remitted to the exclusive representative for a period of 30 calendar days from the effective date of the deduction.

If at the end of the 30-day period an employee has not challenged the fair share fee assessment, assessments shall be remitted to the exclusive representative without the need for escrow by the employer.

If an employee challenges the fair share fee assessment, the assessment for that employee shall continue to be deducted, but must be held in escrow by the employer until otherwise ordered by the director.

5510.1510 FAIR SHARE FEE CHALLENGE PETITION.

Subpart 1. Filing petition. An employee being assessed a fair share fee or an employee who has been notified of a fair share fee assessment may file a fair share fee challenge petition. A petition challenging a fair share fee assessment must include:

- A. the name, address, and phone number of the petitioner and agent, if any;
- B. the name, address, and phone number of the exclusive representative and agent, if any;
- C. the name, address, and phone number of the employer and agent, if any;
- D. the job classification of the petitioner;
- E. the amount of regular membership dues in the unit;
- F. the amount of the fair share fee assessment;
- G. the amount that represents 85 percent of the regular membership dues;
- H. the percent of regular membership dues which the fair share fee represents;
- I. the benefits asserted to be available only to members of the exclusive representative;
- J. a statement regarding whether the cost of benefits asserted to be available only to members is greater than the amount by which the regular membership dues were reduced in establishing the amount of the fair share fee;
- K. the amount by which the fair share fee should be reduced; and
- L. the date on which the petitioner received notice of the fair share fee assessment.

Subp. 2. Filing petition. A petition challenging the fair share fee assessment must be filed in person or by mail with the director. The petition must be received by the director no later than 30 days after receipt by the employee of the notice of assessment.

Subp. 3. Filing fee. The challenge petition must be accompanied by a certified check or other guaranteed form of payment made payable in the proper amount to "Treasurer, State of Minnesota." A challenge petition filed without the proper filing fee shall be returned to the individual filing the petition.

Subp. 4. Receipt of petition. Upon receipt of the challenge petition and filing fee, the director shall provide a written receipt to the petitioner.

Subp. 5. Service on exclusive representative and employer. A copy of the challenge petition shall be served upon the exclusive representative and the employer, in person or by mail, within the 30-calendar-day challenge period. A petition not timely served shall be dismissed.

Subp. 6. Computing time. For purposes of computing time, a petition shall be considered filed on the day it is received by the director.

1510.1610 INVESTIGATION OR HEARING.

Upon receipt of a valid and timely challenge petition, the director shall hear or investigate the matter and issue a determination. The exclusive representative shall have the burden of proof to establish the validity of the amount of the fair share fee. Failure of a party to appear, in person or through a representative, at a hearing may prejudice its rights.

5510.1710 FAIR SHARE FEE APPLICATION.

The determination of the validity of the amount of the fair share fee assessment shall apply from the effective date of the assessment being challenged to all employees in an appropriate unit who have an employment relationship which is similar to the petitioner, and who were assessed the fair share fee.

Fair share fee determinations based on lack of proper notice applies only to employees who have filed or joined a challenge.

5510.1810 JOINT-PARTY PETITION.

Subpart 1. Certification of exclusive representative. A joint petition for certification of an exclusive representative must include:

A. notarized signatures of the parties;

B. authorization signatures from more than 50 percent of the employees within the proposed appropriate unit; and

C. identification of the employees and job classifications included within the proposed appropriate unit and those employees and job classifications excluded from the proposed appropriate unit.

Subp. 2. Unit clarification. In addition to complying with the other requirements of this chapter, a joint-party petition for unit clarification must include the name, title, and signature of the representative of both the exclusive representative and the employer.

5510.1910 HEARINGS OR INVESTIGATIONS.

Subpart 1. Policy. The bureau believes that stipulations or agreements reached by the parties are conducive to harmonious and stable labor and management relationships. The bureau will encourage the parties to enter into these agreements whenever possible and will accept stipulations which are consistent with bureau policies and the act.

Subp. 2. Scope. Hearings or investigations shall address all issues raised by a valid petition that are within the jurisdiction of the director.

Subp. 3. Consolidation of hearings. The director may consolidate one or more hearings or petitions to the extent the director determines the consolidation will serve the purposes of the act.

Subp. 4. Procedures. Upon receipt of a petition, the director shall hold hearings or conduct an investigation as required. Following receipt of a petition, the director may issue a cease and desist order prohibiting negotiations and maintaining the status quo, in part or in whole, of the employees' terms and conditions of employment.

Subp. 5. Prehearing conference. The purpose of a prehearing conference is to simplify the issues to be determined, to obtain

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stipulations regarding foundation for testimony or exhibits, to identify the proposed witnesses for each party, to consider other matters that may be necessary or advisable and, if possible, to reach a settlement without the necessity for hearing. Any final settlement must be made a part of the record.

Upon the request of any party or upon his own motion, the director may, in his discretion, hold a prehearing conference prior to a hearing. The director may require the parties to file a prehearing statement containing items the director deems necessary. The prehearing conference shall be informal. Agreements regarding the simplification of issues, amendments, stipulations, or other matters may be entered on the record or may be made the subject of an order by the director.

Subp. 6. Subpoenas. Request for subpoenas for the attendance of witnesses or the production of documents must be made in writing to the director and contain a brief statement demonstrating the relevance of the potential testimony or evidence sought, identify all persons to be subpoenaed, and identify with specificity any documents sought.

A subpoena must be served by the sheriff, his deputy, or any other person who is not a party in accordance with Rule 45.03 of the Rules of Civil Procedure for the District Courts of Minnesota.

The cost of service, fees, and expenses of any witness subpoenaed must be paid by the party at whose request the witness appears.

The person serving a subpoena shall make proof of service by filing the subpoena and an affidavit of service with the director.

Upon motion made at or before the time specified in the subpoena, the director may quash or modify the subpoena if he finds that it is unreasonable or oppressive.

Subp. 7. Intervenor. The director shall permit an employee organization which submits a 30 percent showing of interest to intervene on a certification, representation, or decertification petition. The director shall permit a group of employees submitting a 30 percent showing of interest wishing to decertify an exclusive representative to intervene on a representation petition.

Subp. 8. Hearing. Parties shall have the right to present evidence, rebuttal testimony and argument on the issues, and to cross-examine witnesses. Individuals or organizations having an appearance status shall only be allowed to review exhibits and make statements for the record.

Any party may be a witness or may present witnesses at the hearing. All oral testimony must be under oath or affirmation. At the request of a party or upon the director's own motion, witnesses may be excluded from the hearing room so that they cannot hear the testimony of other witnesses.

Subp. 9. Rules of evidence. The director may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence on which reasonable prudent persons are accustomed to rely in the conduct of their serious affairs. The director shall give effect to the rules of privilege recognized by law. Evidence which is incompetent, immaterial, or unduly repetitious may be excluded.

All evidence to be considered in the case, including all records and documents in the possession of the director or a true and accurate photocopy thereof must be made a part of the record. Matters not part of the record may not be considered in the determination of the case.

The director may seek additional evidence and examine witnesses to the extent the director deems appropriate, but shall do so on the record and with the opportunity for any party to contest the evidence.

The director may take judicial notice of facts not in dispute.

Subp. 10. The record. The director shall maintain the record in each case. The record shall contain:

- A. all pleadings, motions, and orders;
- B. evidence received;
- C. offers of proof, objections, and rulings on objections;
- D. all memoranda or data submitted by any party in connection with the case; and
- E. an audiometric or stenographic recording of the hearing.

The director must retain the audiometric or stenographic recording of the hearing for a period not less than 60 calendar days after the issuance of his order. The record shall be transcribed, in whole or in part, at the request of any party to the hearing, provided the request is timely and the party requesting the transcript pays a charge per page as established by the director.

Subp. 11. Continuances. The timely processing of petitions relating to questions of representation is in the public interest and of value to a constructive and stable labor relations environment. Accordingly, the director will grant continuances or postponements of hearings on these matters only upon a showing of substantial cause.

All requests for continuances or postponements of a hearing must be served in accordance with parts 5510.0110 to 5510.2310. Requests served less than six calendar days prior to a hearing shall be denied unless the director determines that the request could not have been filed earlier and that the rights of a party will be substantially affected by denial.

The director may, at his discretion, continue a hearing which has already commenced whenever the action appears necessary for determination of the issues. In those instances, oral notice on the record by the director is sufficient.

Subp. 12. Conduct of hearing. Unless the director determines that the public interest will be otherwise served, the hearing must be conducted substantially in the following manner:

A. After opening the hearing, the director must state the procedural rules for the hearing including the following:

(1) all parties may present evidence and cross-examine witnesses;

(2) all parties have a right to be represented at the hearing;

(3) any objection to the conduct of the hearing, including the introduction of evidence, must be stated orally, together with a statement of the grounds for the objection;

(4) no objection to the conduct of the hearing, including the introduction of evidence, shall be waived by further participation in the hearing; and

(5) failure to appear at the hearing in person or through an authorized representative may prejudice the rights of a party.

B. Any stipulations, settlement agreements, or consent orders entered into by any of the parties prior to the hearing shall be entered into the record.

C. The party with the burden of proof may make an opening statement. The other parties may make opening statements in a sequence determined by the director.

D. After any opening statements, the party with the burden of proof shall present its evidence. The other parties shall follow in a sequence determined by the director.

E. Cross-examination of witnesses is conducted in a sequence determined by the director.

F. When all parties and witnesses have been heard, final argument may, in the discretion of the director, be permitted. The director shall determine the timing and sequence of the argument, and whether the argument is presented in written or oral form, or both.

G. After final argument, the director shall close or continue the hearing.

H. The record of the proceeding shall be closed upon receipt of the final written memorandum, transcript, if any, or late-filed exhibits which the parties and the director have agreed should be received into the record, whichever occurs later.

Subp. 13. Disruption of hearing. No television, newsreel, motion picture, still or other camera, and no mechanical recording devices other than those provided by the director shall be operated in the hearing room during the course of the hearing.

No person shall interfere with the free, proper, and lawful access to or egress from the hearing room. No person shall interfere or threaten interference with the conduct of the hearing.

Subp. 14. Determinations. All determinations issued by the director must be based upon the record.

Subp. 15. Order pending appeal. Any order appealed to the board shall continue in effect unless ordered otherwise by the board.

5510.2010 ELECTIONS.

Subpart 1. Showing of interest. The director shall not order an election unless there is at least a 30 percent showing of interest for the unit determined appropriate.

Subp. 2. Location. If the director orders an election for any purpose, it shall be conducted by secret ballot either at a site of employment or by mail.

Subp. 3. Order. An election order shall be mailed to all parties at least ten calendar days prior to the date of the on-site election or the date of the tabulation for a mail ballot election. The election order shall:

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- A. identify the appropriate unit;
- B. establish the cut-off date for voter eligibility;
- C. include a list of the eligible voters;
- D. include a sample ballot;
- E. establish campaign and election rules;
- F. provide for the parties to appoint observers;
- G. identify the date, time, and location of an on-site election and provide for absentee ballots;
- H. include any other conditions which are necessary for the conduct of a fair election; and
- I. provide for posting by the employer of the election order and attachments.

Subp. 4. Voter eligibility. All employees within the appropriate unit who are employed on the cut-off date and are identified on a list established by the director shall be eligible to vote in an election subject to this chapter.

Subp. 5. Correction of voter eligibility list.

- A. The director shall determine questions concerning the addition or deletion of names on the voter eligibility list.
- B. Names shall not be added to the voter eligibility list after the close of the hearing on the election petition unless names were inadvertently omitted or the cut-off date for voter eligibility is changed because of an appeal to the board or court order.
- C. Names shall be deleted from the voter eligibility list based on:
 - (1) transfer, promotion, or demotion of an employee out of the unit which is not prohibited by the cease and desist order;
 - (2) an appeal to the board or court action which delays the conduct of the election or changes the cut-off date for voter eligibility; or
 - (3) voluntary or involuntary termination of an eligible voter who has not appealed the termination.

The deletion shall be made immediately prior to the opening of the polls or tabulation of the ballots.

D. A written request to correct the voter eligibility list must be received by the director within seven calendar days after the date of the election order.

Subp. 6. Right to vote. Eligible voters shall be permitted to vote during their work hours without loss of pay.

Subp. 7. Election ballot.

- A. A certification election ballot shall contain the following choices:
 - (1) the name of employee organizations which have submitted the required showing of interest; and
 - (2) no representation.
- B. A representation election ballot shall contain the following choices:
 - (1) the name of the exclusive representative;
 - (2) the name of employee organizations which have submitted the required showing of interest; and
 - (3) no representation if the required showing of interest has been submitted in accordance with part 5510.0710, subpart 2.
- C. A decertification election ballot shall contain the following choices:
 - (1) the name of the exclusive representative;
 - (2) the name of employee organizations which have submitted the required showing of interest; and
 - (3) no representation.

Subp. 8. Absentee ballot. Any eligible voter unable to be present at an on-site election may secure an absentee ballot by submitting an individual written request to the director which must be received by the director no later than specified in the election order. The written request must be dated and contain the name and home mailing address of the eligible voter, identification of the employer, signature of the eligible voter, and date of the election.

Upon receipt of a timely request for an absentee ballot, the director shall mail a ballot, return envelope, and a letter of explanation to the voter.

Absentee ballots must be received by the director in the return envelope no later than specified in the election order.

Subp. 9. Election procedures. An election shall be held on the premises where the voters are employed during hours the director determines, unless the director determines that the election shall be held at another location, by mail ballot, or by a combination of on-site and mail balloting.

The parties to an on-site election may designate one observer who is permitted to be present at each polling location during the casting of the ballots and their tabulation. The director may require attendance of more than one observer per party.

The parties to a mail ballot election may each designate one observer who is permitted to be present during the tabulation of the ballots. The director may require attendance of more than one observer per party.

The role of the observer is to identify employees eligible to vote and the observers are subject to orders of the director.

Subp. 10. Marking ballot. The ballot shall be marked in accordance with the instructions on the ballot. A ballot which is defaced or identifies the voter shall be voided. When a voter inadvertently spoils a ballot, the voter shall immediately return the ballot to the director who shall destroy the spoiled ballot and provide another ballot to the voter.

When a voter states that, because of physical disability or inability to read or write, the voter cannot mark the ballot the director shall assist the voter privately in marking the ballot.

A voter who has been mailed an absentee ballot by the director shall not vote at the on-site election.

Subp. 11. Status of scheduled election during appeal to board. In the event of an appeal to the board, the director shall conduct the scheduled election unless otherwise ordered by the board.

Subp. 12. Tabulation of ballots. All ballots cast by eligible voters shall be tabulated by the director in the presence of the election observers, if any, at the site designated in the election order.

Envelopes containing timely mail or absentee ballots shall be opened in the presence of the election observers, if any, and shall be placed in the ballot box and mixed with other ballots before they are tabulated.

The director shall immediately rule on each ballot as to whether it is valid, void, or blank; and the ballots must be separated into those categories.

Blank or void ballots shall not be counted as votes cast for purposes of the election.

Mail ballots returned by employees whose names have been deleted from the eligibility list shall not be counted.

Subp. 13. Tabulation of election results. Upon the conclusion of the election, the director shall prepare and sign a tabulation of election results. A copy of the tabulation of election results shall be furnished to each party present. Following the completion of the tabulation, the director shall retain all election ballots and materials for at least 60 calendar days.

Subp. 14. Run-off election. When a ballot contains more than two choices and none of the choices receives a majority of the valid votes cast, a run-off election shall be conducted between the choices receiving the greatest and second greatest number of votes. In a representation or decertification election, where the exclusive representative does not qualify for a run-off election, the election shall be considered a certification election for purposes of tie votes.

Subp. 15. Tie vote. A tie vote in an election containing no more than two choices shall result in the following:

- A. Certification election; certification that no exclusive representative has been selected.
- B. Representation election; certification that the exclusive representative remains certified.
- C. Decertification election; certification that the exclusive representative remains certified.

5510.2110 UNFAIR ELECTION PRACTICES.

Subpart 1. Definition of charges. The following acts are prohibited and constitute unfair election practices if committed by an employer or its agents, an employee organization or its agents, or an employee:

- A. campaigning on the day of the on-site election;
- B. congregating in or near the polling place during the time the polls are open;
- C. coercing or intimidating or otherwise unlawfully attempting to influence any eligible voter;
- D. an unfair practice as defined by Minnesota Statutes, section 179A.13; or
- E. violation of an election order.

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Subp. 2. Filing charges. A party to an election may file a charge of an unfair election practice with the director. A copy of the charge shall be served by the charging party on all other parties to the election. A charge shall be filed within ten calendar days from the date of the tabulation of ballots. The charge shall be in writing, be signed by the charging party, and state the name and address of the party against whom made. The charge shall specify the alleged unfair election practice and the facts supporting the charge.

Subp. 3. Charge filed prior to election. If the alleged unfair election practice appears to materially affect the results of an election to be held, the director may:

- A. postpone the election until the charge has been heard or investigated;
- B. hold the election and conduct a hearing or an investigation at a later date to determine whether the election should be voted; or
- C. hold the election and impound the ballots until a hearing or an investigation has been completed.

Subp. 4. Charge filed after election. If a charge of an unfair election practice is filed after an election has been held, the director may:

- A. stay the election results pending conduct of a hearing or investigation if the alleged unfair election practice appears to have materially affected the election results;
- B. conduct a hearing or investigation; and
- C. rescind the certification of exclusive representative or the certification of election results.

Subp. 5. Determination. Based on a hearing or investigation, the director shall issue an order. If an unfair election practice is established, the election may be voided and a new election may be ordered.

5510.2210 REQUEST FOR RECONSIDERATION.

Subpart 1. General. A party may file a request for reconsideration of orders issued by the director.

Subp. 2. Timeliness of request. A request shall be filed within ten calendar days following the date of issuance of the order.

Subp. 3. Form of request. The request shall be filed in writing and contain a statement of the request and the grounds supporting the request. Unfair election practice charges shall not be a ground for reconsideration.

Subp. 4. Staying of order. If the director determines that the request raises substantial and material issues, the challenged order may be stayed until a hearing or investigation has been held and a decision is issued.

5510.2310 STATUS OF EMPLOYEE ORGANIZATION.

Subpart 1. Change in exclusive representative. When there is a change in exclusive representative, the incumbent exclusive representative retains the rights and obligations established by the act and the labor contract through the contract's expiration including:

- A. fair share fee assessments;
- B. dues check-off; and
- C. time off for union officers.

The incoming exclusive representative, prior to the expiration of the labor contract, has all rights and obligations necessary to carry out its status as an exclusive representative including negotiation of the successor labor contract, and access to financial information for use in negotiations.

Subp. 2. Decertification of exclusive representative. When an exclusive representative is decertified, the labor contract remains in effect until its expirations. The decertified exclusive representative retains all its rights and obligations established by the act and the labor contract through the contract's expiration.

Subp. 3. Transfer of exclusive representative status. An exclusive representative certified as the result of a transfer of exclusive representative status assumes all its rights and obligations established by the act and the existing labor contract.

5510.2410 APPLICATION.

Parts 5510.2410 to 5510.3210 govern the conduct of negotiations between an exclusive representative and an employer, the conduct of mediation, the certification of impasse to the board, the arbitration of impasse, and the notification of intent to strike.

5510.2510 POLICY.

Parts 5510.2410 to 5510.3210 must be liberally construed to effectuate the purposes and provisions of the act. Any requirements of parts 5510.2410 to 5510.3210 may be waived by agreement of all parties and the approval of the director.

5520.2610 DEFINITIONS.

The words, terms, and phrases in parts 5510.2410 to 5510.3210 have the meaning and definitions contained in part 5510.0110.

5510.2710 NEGOTIATION NOTICE.

A written notification of the desire to meet and negotiate an original contract, renewal of a contract, or a reopener of a contract must be served on the other party and the director.

5510.2810 PETITION FOR MEDIATION.

Subpart 1. Petition. A petition for mediation must be served on the bureau by an exclusive representative, an employer, or jointly. Petition forms may be obtained from the bureau.

Subp. 2. Director initiation of mediation. When it is in the public interest, the director may initiate mediation without receiving a petition. Upon notice to the parties, mediation shall proceed in accordance with parts 5510.2410 to 5510.3210.

Subp. 3. Notice. Upon receiving a petition for mediation, the director must serve notice of the time and place for a mediation meeting of the exclusive representative and the employer.

Subp. 4. Obligation. It is the duty and obligation of the parties to comply with the notice of the mediation meeting. The parties must be represented by persons having the authority to negotiate in good faith and be prepared to identify unresolved issues and their positions regarding such issues.

Subp. 5. Mediation meetings. Joint or separate mediation meetings of the parties may be scheduled by the director. Mediation meetings are informal and must be limited by the director to matters relevant to the settlement of the dispute. The parties must continue to participate in a mediation meeting until excused by the director. Use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings.

A mediation meeting may be closed to the public by the director when, in his judgment, closing will facilitate resolution of the dispute. In all cases a meeting will be closed only after receipt by the bureau of a valid and timely petition for mediation or after initiation of mediation by the director. The director may close a meeting to the public prior to its start or at any time during the meeting.

When the director determines that it is in the interest of resolution of a dispute, he may authorize a closed meeting of the public employer's governing body for the purpose of review and discussion of the status of negotiations and the employer's positions.

No closed meeting may be authorized unless the bureau has received a valid and timely petition for mediation or unless mediation has been initiated by the director.

No closed meeting may be authorized when the director is not physically present at the meeting unless the bureau has received a timely and valid notice of intent to strike.

In the event the director determines that a closed meeting is necessary, but the director cannot be physically present at the meeting and a timely and valid notice of intent to strike has been received by the bureau, the director may authorize a closed meeting upon written notice to the governing body and exclusive representative at least 24 hours prior to the closed meeting. The written notice must include the date, time, and place of the closed meeting of the governing body and limit the purpose of the meeting to matters relevant to the dispute.

Subp. 6. Confidential information. Confidential information includes:

A. information disclosed by any party to the director in the performance of mediation functions; and

B. files, records, reports, documents, or other papers received or prepared by the director during the performance of duties and responsibilities related to mediation.

Confidential information shall not be divulged or produced by any bureau personnel. Bureau personnel may not testify in an adversary proceeding regarding confidential information.

5510.2910 RENEWAL OF EXISTING CONTRACT; MEDIATION PERIOD, IMPASSE, ARBITRATION, AND STRIKE NOTICE FOR PUBLIC EMPLOYEES EXCEPT CONFIDENTIAL, ESSENTIAL, MANAGERIAL, SUPERVISORY EMPLOYEES, AND PRINCIPALS AND ASSISTANT PRINCIPALS.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subpart 1. Mediation period. A mediation period commences on the day following receipt by the bureau of a petition for mediation or the day following issuance of notice that the director has initiated mediation.

Subp. 2. Request to determine impasse. During the mediation period, any party may request in writing that the director determine the negotiations to be at impasse. The request is considered an offer to arbitrate the dispute.

Subp. 3. Expiration of mediation period. Following the expiration of the mediation period and expiration date of the labor contract, negotiations are considered to be at impasse and either party may request to arbitrate the dispute.

Subp. 4. Request for arbitration at impasse. A joint request by the parties to submit the impasse to arbitration may be served at any time during the negotiations, mediation period, or thereafter. A joint request must be signed by the authorized representatives of both parties and must contain a list of the items in dispute and a statement agreeing to arbitrate the items.

A request by a single party to submit an impasse to arbitration may be served at any time after the expiration of the mediation period. In the case of teacher units the parties must have been at impasse for a 45-calendar-day period following the expiration of the mediation period. The request must be in writing, signed by an authorized representative, and contain a list of the items in dispute.

A request to arbitrate is accepted by the other party only upon receipt by the bureau and the offering party of a written acceptance. A joint request satisfies this requirement.

A joint request or written acceptance of a request to arbitrate is binding upon the parties except to the extent they otherwise mutually agree in writing.

A single-party offer to arbitrate an impasse is rejected:

- A. by serving written notice of rejection on the bureau and the other party;
- B. by failing to accept the offer in writing within 15 calendar days following service of the request;
- C. if the exclusive representative serves a notice of intent to strike following receipt by the bureau of an offer to arbitrate; or
- D. if the exclusive representative does not withdraw a previously served notice of intent to strike by serving a written acceptance of the offer.

An offer to arbitrate an impasse is considered to be withdrawn if the offer is rejected by the other party in accordance with parts 5510.2410 to 5510.3210.

Subp. 5. Certification of impasse to board. Following receipt of a joint request to arbitrate or receipt of an acceptance of a single-party offer to arbitrate, the director must notify the board of the existence of an impasse. The notice of impasse must contain a statement that the negotiations between the parties are at impasse, a list of the issues determined by the director to be at impasse, and any final positions submitted by the parties.

Subp. 6. Option of final offer arbitration. The parties may agree in writing to limit the arbitrator's authority to a final offer item-by-item or a final offer total-package award.

A. In the event of that agreement, the parties must file a written copy of the agreement with the bureau prior to the date upon which final positions are due, as set forth in the director's determination of impasse. If the parties do not agree to final offer arbitration, the impasse shall be decided by conventional arbitration.

B. If the final offer arbitration option is agreed to, the parties may not withdraw or amend the final positions filed with the director unless otherwise agreed to in writing by the parties. The agreement may include, but is not limited to an agreement:

- (1) that an item certified to be at impasse has been dropped as an item in dispute;
- (2) that an item certified to be at impasse has been settled by the parties; and
- (3) to amend the submitted final positions on any or all items certified to be at impasse. An agreement must specify the conditions and manner in which the final positions are to be amended.

C. All final positions submitted to the bureau shall be considered confidential.

Subp. 7. Notice of intent to strike.

A. A notice of intent to strike must be in writing and signed by an authorized representative of the exclusive representative. The notice must set forth the date upon which the exclusive representative believes the right to strike will mature. The date shall be subject to adjustment by the director to conform to parts 5510.2410 to 5510.3210. The notice must be served on the employer and the director by the exclusive representative.

B. The notice of intent to strike is timely when the requirements of Minnesota Statutes, section 179A.18, have been fulfilled.

C. The 30-calendar-day strike notice period commences the day following receipt by the director of the notice of intent to strike, provided:

(1) A strike shall not begin during the first ten calendar days of a strike notice period.

(2) Effective 12:01 a.m. of the 11th day and continuing until 12:00 midnight of the 30th day of the strike notice period, the right to strike matures.

(3) If the bureau receives a notice of intent to strike not more than five calendar days prior to the expiration of the mediation period or 45-day teacher impasse period, the strike notice period begins the day following the expiration of the mediation period. Notices received prior to these periods are void and of no effect.

D. If the 30-calendar-day strike notice period expires without a strike, the right to strike expires, but may be renewed by serving a new notice of intent to strike not more than five calendar days prior to the 30th day of the preceding strike notice period. A renewed strike notice period shall commence the day following expiration of the preceding period. The rules applying to the initial strike notice period, including the ten-day waiting period, apply to any renewal period.

E. The director must notify the parties in writing of the date of any strike notice, the date upon which the right to strike matures, and the date upon which the right to strike expires.

5510.3010 RENEWAL OF EXISTING CONTRACT; MEDIATION, IMPASSE AND ARBITRATION FOR CONFIDENTIAL, ESSENTIAL, SUPERVISORY EMPLOYEES, AND FOR PRINCIPALS AND ASSISTANT PRINCIPALS.

Subpart 1. Mediation. Mediation shall be scheduled by the director upon receipt of a petition filed under part 5510.2810.

Subp. 2. Impasse. During mediation of the dispute, the parties, individually or jointly, may request the director to declare the negotiations at impasse. If the director determines that further mediation efforts would not resolve the dispute, he shall declare the negotiations to be at an impasse and notify the parties in writing of that determination. The notice by the director must include:

A. the date on which an impasse was declared;

B. a list of the matters determined by the director to remain in dispute; and

C. the date upon which final positions of the parties with respect to the matters at impasse are to be received by the director.

Subp. 3. Final offer arbitration. The parties may agree to limit the arbitrator's authority to a final offer item-by-item or a final offer total package award. If the parties do not agree to final offer arbitration, the impasse shall be decided by conventional arbitration.

Subp. 4. Final positions. If the final offer arbitration option is agreed to, the parties may not withdraw or amend the final positions filed with the director unless otherwise agreed to in writing by the parties. The agreement may include, but is not limited to, an agreement:

A. that an item certified to be at impasse has been dropped as an item in dispute;

B. that an item certified to be at impasse has been settled by the parties; and

C. to amend the submitted final positions on any or all items certified to be at impasse. An agreement must specify the conditions and manner in which the final positions are to be amended.

Subp. 5. Certification of impasse to board. Following the date established for submission of final positions of both parties, the director shall notify the board of the existence of an impasse. The notice of impasse shall contain a statement that the negotiations between the parties are at impasse, a list of the issues determined by the director to be at impasse, and any final positions submitted by the parties.

Subp. 6. Confidentiality of final positions. All final positions submitted to the bureau are confidential.

5510.3110 NEW OR DIFFERENT EXCLUSIVE REPRESENTATIVE; MEDIATION, IMPASSE, ARBITRATION, AND STRIKE NOTICE FOR PUBLIC EMPLOYEES.

Subpart 1. Procedures. Except as otherwise provided by this part, parts 5510.2810 and 5510.2910 shall apply.

Subp. 2. Negotiations. Following certification of a new or different exclusive representative or resolution of a question of representation by the director, the parties shall commence negotiations.

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PROPOSED RULES

Subp. 3. Mediation period. The 60-day or 45-day mediation period provided under part 5510.2910 commences on the day following certification of a new or different exclusive representative or resolution or a question of representation by the director.

5510.3210 CONTRACT TRANSMITTAL.

Upon the execution of a written labor contract or memorandum of contract, the employer shall submit one copy of the contract to the bureau.

REPEALER. Minnesota Rules, parts 5500.2900, 5500.3000, 5500.3100, 5500.3200, 5500.3300, 5500.3400, 5500.3500, 5500.3600, 5500.3700, 5500.3800, 5500.3900, 5510.0100, 5510.0200, 5510.0300, 5510.0400, 5510.0500, 5510.0600, 5510.0700, 5510.0800, 5510.0900, 5510.1000, 5510.1100, 5510.1200, 5510.1300, 5510.1400, 5510.1500, 5510.1600, 5510.1700, 5510.1800, 5510.1900, 5510.2000, 5510.2100, 5510.2200, 5510.2300, 5510.2400, 5510.2500, 5510.2600, 5510.2700, 5510.2800, 5510.2900, 5510.3000, 5510.3100, 5510.3200, 5510.3300, 5510.3400, 5510.3500, 5510.3600, 5510.3700, 5510.3800, 5510.3900, 5510.4000, 5510.4100, 5510.4200, 5510.4300, 5510.4400, 5510.4500 are repealed.

Department of Natural Resources

Proposed Rules Governing State Recreational Trails

Notice of Intent to Adopt Rule Amendment without a Hearing

Notice is hereby given that the State Department of Natural Resources is proposing to adopt the above entitled amendments without a public hearing. The Commissioner of Natural Resources has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow procedures as set forth in Minn. Stat. §§ 14.21-14.28.

The change will remove a duplicative requirement for a public hearing. Minnesota Rule NR 20 requires a public hearing prior to designation for trails other than those established by the legislature. The Outdoor Recreation Act (Minn. Stat. Chapter 86A), passed after adoption of NR 20, specifies that a trail can not be developed until a master plan has been developed, and that the master plan process must include a public hearing (Minn. Stat. 86A.09, Subd. 2). Minnesota Statute 86A.07, subdivision 3, which applies to the designation of state trails other than those designated by the legislature, does not prescribe a public hearing prior to designation. In short, Minn. Stat., Chapter 86A requires public hearings for all trails, and the requirement in NR 20 is duplicative.

Persons interested shall have 30 days to submit comments on the proposed amendments. The proposed amendments may be modified prior to final adoption of modifications are supported by the data and views submitted to the Department of Natural Resources and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, a public hearing will not be held. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.13-14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed amendment, should address their correspondence to:

Gordon Kimball, Trails Project Coordinator
Trails Operations Section
Trails & Waterways Unit
Department of Natural Resources
Box 52—Centennial Building
Saint Paul, MN 55155-1679

The Department's authority to adopt the rules is contained in Minn. Stat. § 84.86. A statement that describes the need for the reasonableness of the proposed amendment is available from the Department of Natural Resources upon request.

Upon adoption of the final amendment without a public hearing, the proposed amendment, this notice, the statement of need and reasonableness, all written comments received, and the final amendment as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final amendment as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board

within five (5) days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spend more than five hours (5) in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or b) who spends more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative administrative action by communicating or urging others to communicate with public officials. The statutes provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155-1679, telephone (612)/296-5615.

March 29, 1984.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Rule as Proposed

6100.3100 STATUTORY AUTHORITY AND SCOPE.

These parts are ~~promulgated~~ adopted under the authority of Minnesota Statutes, sections 84.03 and 84.86, and apply to ~~state recreational trails, which are:~~

~~A. those trails established by the legislature in Minnesota Statutes, section 85.015 authorized state trail units as described in the Outdoor Recreation Act of 1975, Minnesota Statutes, chapter 86A, when designated by the commissioner of natural resources by order filed with the secretary of state; and~~

~~B. those other trails designated by the commissioner by order filed with the secretary of state after a public hearing conducted pursuant to Minnesota Statutes, chapter 14, in a county through which the proposed trail passes.~~

These ~~rules~~ parts shall not apply to any person lawfully engaged in the performance of his duties in the development, maintenance, and operation of such trails, including but not limited to the commissioner of natural resources, his agents, employees, those persons operating under contract with the Department of Natural Resources, and law enforcement officers.

Department of Public Safety Driver and Vehicle Services Division

Proposed Rules Relating to Drivers License and Motor Vehicle Registration Records

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Diane Dybevik
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 299A.01, 14.06, and generally Chapters 168, 168A, and 171. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules do not have an impact on small businesses in Minnesota. These rules apply to private individuals.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed

7410.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Driver's license and motor vehicle registration records.** "Driver's license and motor vehicle registration records" includes:

- A. all applications for drivers' licenses, instruction permits, and Minnesota identification cards; and
- B. all applications for motor vehicle certificates of title; and
- ~~C. all applications for motor vehicle registration plates.~~

Subparts 3 to 6. [Unchanged.]

7410.0400 DOCUMENTATION OF PROOF OF NAME AND IDENTITY.

Subpart 1. **In General.** At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant for a Minnesota driver's license possesses a driver's license, chauffeur's license, or instruction permit from another jurisdiction, it must be surrendered.

Subpart 2. [Unchanged.]

Department of Public Safety State Patrol Division

Proposed Rules Governing Requirements for Motor Vehicle Lighting Devices, Safety Glazing Materials, and Towing Devices

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Dybevik
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 169.222, 169.223, 169.44, 169.467, 169.469, 169.48 to 169.52, 169.53 to 169.66, 169.71, subd. 4, 169.74, and 169.75. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an impact on some small businesses in Minnesota. The rules may affect and benefit small businesses because it will no longer be necessary to obtain State testing and approval of vehicle equipment prior to sale and the corresponding testing/approval fee is eliminated. Federally regulated equipment is automatically approved and approval of nonfederally regulated equipment is streamlined.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging

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PROPOSED RULES

others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida
Commissioner of Public Safety

Rules as Proposed (all new material)

7425.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part except in those instances when the context clearly indicates a different meaning.

Subp. 2. After-market equipment. "After-market equipment" means equipment other than "original equipment" as defined in subpart 31.

Subp. 3. ANSI. "ANSI" means American National Standards Institute.

Subp. 4. Auxiliary driving lamp. "Auxiliary driving lamp" means a lighting device that is mounted to provide illumination forward of the vehicle and that supplements the upper beam of a standard headlamp system. It is not intended for use alone or with the lower beam of a standard headlamp system.

Subp. 5. Auxiliary lamps. "Auxiliary lamps" means lighting devices on a motor vehicle used to supplement the other road lighting devices. They include those lamps sold commercially as driving lamps, passing lamps, fog lamps, auxiliary low-beam lamps, and motorcycle auxiliary front lamps.

Subp. 6. Auxiliary low-beam lamp. "Auxiliary low-beam lamp" means a type of lamp that supplements the lower beam of a standard headlamp system. It is not intended for use alone or with the upper beam of a standard headlamp system.

Subp. 7. Auxiliary passing lamp. "Auxiliary passing lamp" means an auxiliary low-beam lamp.

Subp. 8. Backup lamp. "Backup lamp" means a lamp used to furnish general illumination to the rear of a vehicle when it is in rearward motion and to provide a warning signal to pedestrians and other drivers when the vehicle is backing up or is about to back up.

Subp. 9. Bicycle lighting devices. "Bicycle lighting devices" includes:

A. a headlamp which is an electric lamp used to provide general illumination ahead of a nonmotorized bicycle and also to serve as a warning light to approaching motorists;

B. a rear red reflector which indicates the presence of the bicycle to an approaching driver by reflecting the light from the headlamps of a vehicle approaching from the rear; and

C. side reflectors, reflectorized pedals, and reflectorized tires which are devices designed to conform with the reflectorization requirements of applicable regulations issued by the Consumer Product Safety Commission.

Subp. 10. Bulb. "Bulb" means an indivisible assembly containing a source of light and normally used in a lamp.

Subp. 11. Clearance lamp. "Clearance lamp" means a lamp used on the upper left and right sides of the vehicle or load, and which shows to the front or rear to indicate the overall width of the vehicle or load.

Subp. 12. Combination clearance and side marker lamp. "Combination clearance and side marker lamp" means a single lamp which, when properly positioned and oriented, fulfills the requirements of both a clearance lamp and a side marker lamp.

Subp. 13. Combination device. "Combination device" includes:

A. a combination lamp so constructed and connected that from one position on a vehicle it serves two or more of the lighting functions described in this part; and

B. combination switches and flashers so constructed and connected as to serve two or more of the functions of a turn-signal switch or flasher or hazard-warning switch or flasher.

Subp. 14. Commissioner. "Commissioner" means the commissioner of public safety of the state of Minnesota.

Subp. 15. Disabled vehicle warning device. "Disabled vehicle warning device" means a device that is placed on the roadway to warn the driver of an approaching vehicle of a stationary vehicle hazard. "Disabled vehicle warning device" includes:

A. an emergency reflective triangle which is an equilateral triangle, each side of which displays both a daytime and nighttime warning area;

B. a portable red reflector device which is a holder with two reflex reflectors on each side, one above the other;

C. a flare which is a liquid burning device consisting of a vessel with a wick;

D. a fusee which consists of a solid fuel enclosed in a waterproof combustible tube and only used as a temporary or auxiliary signal flare; and

E. an electric emergency lantern which is a device capable of displaying a red light, either flashing or steady-burning.

Subp. 16. Driving lamp. "Driving lamp" means an auxiliary driving lamp.

Subp. 17. Flashing warning lamp. "Flashing warning lamp" means a lamp: used for authorized emergency, maintenance, and service vehicles; which may be directionally aimed; and, in which the light sources are turned on and off, interrupting the circuit and producing a repetitive flash of light.

Subp. 18. Fog lamp. "Fog lamp" means a lighting device mounted to provide illumination forward of the vehicle under conditions of rain, snow, dust, or fog. A fog lamp is an adverse weather lamp.

Subp. 19. Front cornering lamp. "Front cornering lamp" means a steady-burning lamp used in conjunction with the turn-signal system to supplement the headlamps by providing additional illumination in the direction of turn.

Subp. 20. Hazard-warning signal flasher. "Hazard-warning signal flasher" means a device which, as long as it is turned on, causes all the required signal lamps to flash that are listed in the description for hazard-warning signal switch.

Subp. 21. Hazard-warning signal switch. "Hazard-warning signal switch" means a driver-controlled device which causes at least one turn-signal lamp on the left and right to the front and on the left and right to the rear of the vehicle to flash simultaneously to indicate to the approaching driver the presence of a vehicular traffic hazard.

Subp. 22. Headlamp assembly and optical unit. "Headlamp assembly and optical unit" includes:

A. a sealed-beam headlamp housing assembly which is a major lighting assembly used to provide mounting and aiming adjustment for one or more sealed-beam units or replaceable bulb headlamps that provide general illumination ahead of the vehicle; and either

B. a sealed-beam headlamp unit which is a mechanically aimable, integral, indivisible, hermetically sealed optical assembly;

C. a mechanically aimable headlamp unit in which an O ring is used to seal an indexed replaceable bulb to the assembly;

or

D. a mechanically aimable, hermetically sealed lens and reflector assembly with indexed replaceable bulb.

Subp. 23. Headlamp beam-switching device. "Headlamp beam-switching device" includes:

A. a driver-controlled headlamp beam-switching device used to select the upper or lower beam headlamp circuit; and

B. a semiautomatic headlamp beam-switching device providing either automatic or manual control of beam switching at the option of the driver. When the control is automatic, the headlamps switch from the upper beam to the lower beam when illuminated by the headlamps of an approaching car and switch back to the upper beam when the road ahead is dark. When the control is manual, the driver may obtain either beam manually regardless of the condition of lights ahead of the vehicle.

Subp. 24. Identification lamps. "Identification lamps" means lamps that are used in groups of three in a horizontal row, that show to the front or rear or both, and that are mounted as near as practicable to the vertical centerline and the top of the vehicle to identify certain types of vehicles.

Subp. 25. License plate lamp. "License plate lamp" means a lamp used to illuminate the license plate on the rear of a vehicle.

Subp. 26. Lighting device. "Lighting device" means any device mounted on or in conjunction with a vehicle to furnish or regulate illumination or to mark or identify a vehicle or to serve as a signal or warning either by self-illumination or by reflected light. Interior lighting devices, such as dome, dash, and map lights intended only for interior illumination, placed inside the vehicle, and not intended to serve as a signal or to be seen by persons outside the vehicle, are not considered lighting devices within the scope of this chapter.

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PROPOSED RULES

Subp. 27. Motorcycle auxiliary front lamp. "Motorcycle auxiliary front lamp" means a unit, including sealed beam, intended to supplement either the upper or the lower beam from a motorcycle headlamp system.

Subp. 28. Motorcycle headlamp. "Motorcycle headlamp" means a major lighting device used to provide general illumination ahead of the motorcycle.

Subp. 29. Motorcycle turn-signal lamp. "Motorcycle turn-signal lamp" means the signaling element of a motorcycle turn-signal system which indicates a change in direction by giving a flashing light on the side toward which the turn will be made.

Subp. 30. Optical unit. "Optical unit" means an integral and indivisible assembly consisting of a lens, reflector, and light source.

Subp. 31. Original equipment. "Original equipment" means an item of motor vehicle equipment which was installed in or on a motor vehicle at the time of its delivery to the first purchaser if:

A. the item of equipment was installed on or in the motor vehicle at the time of its delivery to a dealer or distributor; or

B. the item of equipment was installed by the dealer or distributor with the express authorization of the motor vehicle manufacturer.

Subp. 32. Parking lamps. "Parking lamps," whether separate or in combination with other lamps, means lamps on both the left and right of the front of the vehicle which shine to the front and are intended to mark the vehicle when parked. In addition, these front lamps may serve as a reserve front position-indicating system in the event of headlamp failure. For rear parking lamps, see tail lamps.

Subp. 33. Passing lamp. "Passing lamp" means an auxiliary passing lamp.

Subp. 34. Rear cornering lamp. "Rear cornering lamp" means a lamp aimed and so connected as to illuminate an area to the side and rear of the vehicle only when the vehicle is moving backward or about to move backward.

Subp. 35. Reflex reflector. "Reflex reflector" means a lighting device used on vehicles to indicate a vehicle's presence to an approaching driver by reflecting the light from the headlamps of the approaching vehicle. This device may use a system of cube corners or, as a side marker only, a system of lens-mirror reflexes.

Subp. 36. SAE. "SAE" means Society of Automotive Engineers, Inc.

Subp. 37. SAE standard or recommended practice. "SAE standard or recommended practice" means a vehicle equipment standard or recommended practice contained in a SAE Standards Handbook published by the Society of Automotive Engineers, Inc.

Subp. 38. Safety glass. "Safety glass" means glazing materials so constructed, treated, or combined with other materials as to reduce, in comparison with ordinary sheet, float, or plate glass, the likelihood of injury to persons by objects from exterior sources or by the glazing materials when cracked or broken. The term also includes rigid and flexible safety glazing plastics.

Subp. 39. School bus warning-signal devices. "School bus warning-signal devices" includes:

A. flashing red signal lamps which are alternately flashing lamps mounted horizontally both front and rear and intended to identify a vehicle as a school bus and to inform other users of the highway that the school bus is stopped on the highway to take on or discharge school children;

B. flashing amber signal lamps which are alternately flashing lamps mounted horizontally both front and rear and intended to identify a vehicle as a school bus and to prewarn by informing other users of the highway that the school bus is about to stop to take on or discharge school children;

C. a white strobe lamp which is a 360-degree double-flash lamp mounted on top of a school bus and used only when atmospheric conditions or terrain restrict visibility of the flashing warning-signal lamps; and

D. a stop arm which is an auxiliary device used to signal that a school bus has stopped to load or discharge passengers. It supplements the flashing red signal lamps. It may have alternately flashing, red lamps and it may be reflectorized.

Subp. 40. Side marker lamps. "Side marker lamps" means lamps that show to the side of the vehicle and are mounted on the permanent structure of the vehicle as near as practicable to the front and rear edges to indicate the overall length of the vehicle. Additional lamps may also be mounted at intermediate locations on the sides of the vehicle.

Subp. 41. Side turn-signal lamps. "Side turn-signal lamps" means lighting devices mounted on the side at or near the front of a vehicle and used as part of the turn-signal system to indicate a change in direction by giving a supplementary flashing, warning signal on the side toward which the vehicle operator intends to turn or maneuver.

Subp. 42. Spot lamp. "Spot lamp" means a lamp that provides a substantially parallel beam of light and which can be aimed at will. These lamps are not intended as substitutes for headlamps or as auxiliary lamps for road lighting, but are intended for use in emergencies and under conditions when a concentrated, controllable light beam is advantageous.

Subp. 43. Stop lamp. "Stop lamp" means a lamp giving a steady light to the rear of a vehicle or train of vehicles to indicate the intention of the operator of a vehicle to stop or diminish speed by braking.

Subp. 44. Supplemental high-mounted stop and rear turn-signal lamps. "Supplemental high-mounted stop and rear turn-signal lamps" means additional rear-facing lamps mounted high and possibly forward of the required tail, stop, and rear turn-signal lamps. They are intended to project a signal through intervening vehicles to operators of following vehicles.

Subp. 45. Tail lamp or rear-position lamp. "Tail lamp" or "rear-position lamp" means a lamp used to designate the rear of a vehicle by a steady-burning, low intensity light. Tail lamps are also used as rear parking lamps.

Subp. 46. 360-degree emergency warning-signal lamps. "360-degree emergency warning-signal lamps" means devices that project light through a 360-degree arc in a regularly repeating pattern of flashes and that are designed for use on authorized emergency, maintenance, and service vehicles. The 360-degree emergency warning-signal lamps are used to signal other drivers to stop, to yield right-of-way, or to indicate the existence of a hazardous situation.

Subp. 47. Towing device. "Towing device" includes:

A. a coupling which is that part of the trailer-connecting mechanism by which the connection is actually made but which does not include any structural member, extension of the trailer frame, or brake actuator:

B. a hitch which is that part of a connecting mechanism including the ball support platform and ball and those components that extend and are attached to the towing vehicle:

C. a fifth wheel which is a load-carrying mechanical or structural towing device, including a kingpin and load-bearing plate-type device, that, when in use, serves as a primary connecting system for a semitrailer:

D. a saddle mount which is a device designed and constructed to be readily demountable and used in drive-away, tow-away operations to perform the functions of a conventional fifth wheel:

E. a tow bar which is a beam-type device fastened between the towing vehicle and the towed vehicle and used to transmit longitudinal loads between the vehicles: and

F. a safety chain which is a flexible tension member including chain, cable, or wire rope, and the attaching means, connected from the front of the trailer or trailer tongue to the rear of the towing vehicle for the purpose of retaining connection between the towing vehicle and the towed vehicle in the event the trailer coupling or ball should fail.

Subp. 48. Turn-signal lamp. "Turn-signal lamp" means the signaling element of a turn-signal system which indicates a change in direction by a flashing light indicating the side toward which the turn will be made. Turn-signal lamps may be flashed simultaneously as a vehicular traffic hazard-warning signal.

Subp. 49. Turn-signal flasher. "Turn-signal flasher" means a device that causes all the required signal lamps to flash when it is turned on.

Subp. 50. Turn-signal switch. "Turn-signal switch" means that part of a turn-signal system by which the vehicle operator causes the signal lamps to function.

Subp. 51. Turn-signal system. A "turn-signal system" consists of a turn-signal switch, a flasher unit, two or more turn-signal lamps, and one or two indicator lights.

Subp. 52. VESC. "VESC" means Vehicle Equipment Safety Commission.

Subp. 53. Warning lamp alternating flasher. "Warning lamp alternating flasher" means a device that alternately flashes warning-signal lamps used on authorized emergency vehicles or school buses.

7425.0150 PURPOSE.

The purpose of this chapter is to prescribe requirements for motor vehicle lighting devices, safety glazing materials, and towing devices, which are not federally regulated and that are used on vehicles in Minnesota.

7425.0160 SCOPE.

The scope of this chapter is intended to be consistent with Minnesota Statutes, sections 169.222, 169.223, 169.44, 169.467 to 169.469, 169.48 to 169.52, 169.53 to 169.66, 169.71, subdivision 4, 169.74, and 169.75.

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PROPOSED RULES

7425.0500 FEDERALLY REGULATED EQUIPMENT; INCORPORATION BY REFERENCE.

A lighting device, safety glazing material, or towing device certified by the manufacturer to meet applicable federal motor vehicle safety standards in Code of Federal Regulations, title 49, sections 571.108, 571.125, and 571.205 adopted under the National Traffic and Motor Vehicle Safety Act of 1966, United States Code, title 15, sections 1381 to 1431, is approved by the commissioner of public safety and hereby incorporated by reference.

7425.0600 NONFEDERALLY REGULATED EQUIPMENT.

Before the device is offered for sale, every manufacturer who sells or offers for sale a lighting device or other safety equipment, component, or assembly not subject to and not certified in compliance with an applicable federal motor vehicle safety standard incorporated by reference in this chapter and of a type for which approval is required, must have laboratory test data showing compliance with the standards or recommended practices prescribed by this chapter. Tests may be conducted by the manufacturer.

7425.0700 TEST REPORTS.

The commissioner at any time may request from the manufacturer a copy of the test or other supporting data on a lighting device, glazing material, or towing device showing proof of compliance with this chapter and additional evidence that due care was established in maintaining compliance during production. If the manufacturer fails to provide proof of compliance within 30 days following the request, the commissioner shall prohibit the sale of the device in Minnesota until acceptable proof of compliance is received.

7425.0800 COMPLIANCE.

The commissioner shall require manufacturers of nonfederally regulated equipment to submit proof of compliance with this chapter signed by a responsible official of the manufacturer, or the manufacturer, under Minnesota Statutes, section 169.468, subdivision 2, may submit an unexpired certificate of approval or notice of compliance from the American Association of Motor Vehicle Administrators provided the certificate or notice shows proof of compliance with the rules, standards, and recommended practices adopted in this chapter.

7425.0900 EXPIRATION OF APPROVAL OF MOTOR VEHICLE EQUIPMENT.

Approval for the sale of nonfederally regulated equipment expires after five years unless the manufacturer requests reapproval, in which case the manufacturer shall submit proof of current compliance in accordance with part 7425.0800 that the item as then being manufactured conforms to this chapter.

7425.1000 TESTING.

The commissioner may purchase equipment sold for use on vehicles and test or retest the equipment for conformance with applicable requirements.

7425.1100 FEE WAIVED.

The fee authorized to be set and collected by the commissioner under Minnesota Statutes, section 169.468, subdivision 2, for costs connected with tests and approval of equipment submitted without certification or notification by the American Association of Motor Vehicle Administrators is hereby waived.

7425.2000 GENERAL REQUIREMENTS.

Subpart 1. Compliance. Vehicle lighting equipment must conform to the general requirements listed in subparts 2 to 5.

Subp. 2. Relation to statutes. Lighting devices and components listed in part 7425.2100 must comply with the standard, recommended practice, or regulation stipulated for each device. A SAE standard or recommended practice is incorporated by reference to the extent that the standard or recommended practice is consistent with Minnesota statutory requirements delineated in parts 7425.0150 and 7425.0160.

Subp. 3. Original and replacement equipment. Original lighting equipment for a vehicle and after-market equipment made or sold for replacement of original lighting equipment must comply with the rules, federal regulations, standards, or recommended practices incorporated by reference in this chapter or the standards, recommended practices, or requirements in effect when the vehicle was manufactured.

Subp. 4. Nonreplacement equipment. After-market lighting equipment not made or sold for replacement of original equipment must comply with this chapter or the standards, recommended practices, or requirements in effect at the time, or up to one year prior to the time, that the equipment was manufactured.

Subp. 5. Terms. The words "it is recommended that," "recommendations," "should," or similar terms appearing in the SAE standards and recommended practices incorporated by reference in part 7425.2100 set forth a requirement except as

otherwise expressly provided in this chapter. Items referred to as "a matter of information" or "attention is called to" in the SAE standards and recommended practices are not mandatory except as otherwise expressly provided in this chapter.

7425.2100 INCORPORATIONS BY REFERENCE OF STANDARDS FOR LIGHTING DEVICES.

Each of the following standards, recommended practices, and regulations are incorporated by reference for the lighting device indicated:

- A. auxiliary driving lamp: SAE standard J581a, "Auxiliary Driving Lamps-SAE J581a," revised 1980, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- B. auxiliary low-beam lamp: SAE standard J582 SEP81, "Auxiliary Low Beam Lamp-SAE J582 SEP81," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- C. auxiliary passing lamp: SAE standard J582, "Electric Supplementary Passing Lamp-SAE J582," SAE Handbook 1973, published by Society of Automotive Engineers, Inc. (New York, NY, 1973);
- D. backup lamp: Code of Federal Regulations, title 49, section 571.108;
- E. bicycle rear red reflector: SAE standard J594f, "Reflex Reflectors-SAE J594f," revised January 1977, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- F. bicycle side reflector: Code of Federal Regulations, title 16, part 1512 (1983);
- G. bicycle reflectorized pedal: Code of Federal Regulations, title 16, part 1512 (1983);
- H. bicycle reflectorized tire: Code of Federal Regulations, title 16, part 1512 (1983);
- I. clearance lamp: Code of Federal Regulations, title 49, section 571.108;
- J. driving lamp: SAE standard J581a, "Auxiliary Driving Lamps-SAE J581a," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- K. electric emergency lantern: SAE standard J 596, "Electric Emergency Lanterns-SAE J596," SAE Handbook 1978, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1978);
- L. emergency reflective triangle: Code of Federal Regulations, title 49, section 571.125;
- M. flare: SAE standard J597, "Liquid Burning Emergency Flares-SAE J597," SAE Handbook 1978, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1978);
- N. flashing warning lamp: SAE standard J595b, "Flashing Warning Lamps for Authorized Emergency, Maintenance and Service Vehicles-SAE J595b," revised July 1964, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- O. fog lamp: SAE standard J583 MAY81, "Front Fog Lamps-SAE J583 MAY81," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- P. front cornering lamp: SAE recommended practice J852b, "Cornering Lamps-SAE J852b," revised February 1965, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- Q. fusee: Code of Federal Regulations, title 49, section 393.95 (1983);
- R. hazard warning signal flasher: Code of Federal Regulations, title 49, section 571.108;
- S. hazard warning signal switch: Code of Federal Regulations, title 49, section 571.108;
- T. headlamp assembly and optical unit: Code of Federal Regulations, title 49, section 571.108;
- U. headlamp beam switching device: Code of Federal Regulations, title 49, section 571.108;
- V. identification lamps: Code of Federal Regulations, title 49, section 571.108;
- W. license plate lamp: Code of Federal Regulations, title 49, section 571.108;
- X. motorcycle auxiliary front lamp: SAE recommended practice J1306 JUN80, "Motorcycle Auxiliary Front Lamps-SAE J1306 JUN80," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);

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PROPOSED RULES

- Y. motorcycle headlamp: Code of Federal Regulations, title 49, section 571.108;
- Z. motorcycle turn-signal lamp: Code of Federal Regulations, title 49, section 571.108;
- AA. parking lamp: Code of Federal Regulations, title 49, section 571.108;
- BB. portable red reflector: SAE recommended practice J774c, "Emergency Warning Device-SAE J774c," revised January 1971, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- CC. rear cornering lamp: SAE recommended practice J1373 JUN82, "Rear Cornering Lamp-SAE J1373 JUN82," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- DD. rear turn-signal lamp: SAE recommended practice J186a, "Supplemental High Mounted Stop and Rear Turn Signal Lamps-SAE J186a," revised September 1977, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- EE. reflex reflector: Code of Federal Regulations, title 49, section 571.108;
- FF. safety glass: Code of Federal Regulations, title 49, section 571.205;
- GG. school bus prewarning flashing amber signal lamp: Code of Federal Regulations, title 49, section 571.108;
- HH. school bus stop-warning flashing red signal lamp: Code of Federal Regulations, title 49, section 571.108;
- II. school bus stop arm: SAE recommended practice J1133a, "School Bus Stop Arm-SAE J1133a," revised November 1977, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- JJ. school bus white strobe lamp: Minnesota Statutes, section 169.64, subdivision 7;
- KK. side marker lamp: Code of Federal Regulations, title 49, section 571.108;
- LL. side turn-signal lamp: SAE recommended practice J914b, "Side Turn Signal Lamps-SAE J914b," revised July 1978, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- MM. spot lamp: SAE standard J591b, "Spot Lamps-SAE J591b," revised December 1972, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- NN. stop lamp: Code of Federal Regulations, title 49, section 571.108;
- OO. supplemental high-mounted stop lamp: Code of Federal Regulations, title 49, section 571.108;
- PP. tail or rear-position lamp: Code of Federal Regulations, title 49, section 571.108;
- QQ. 360-degree emergency warning signal lamp: SAE recommended practice J845, "360 Deg Emergency Warning Lamp-SAE J845," reaffirmed without change May 1972, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983);
- RR. turn-signal flasher: Code of Federal Regulations, title 49, section 571.108;
- SS. turn-signal lamp: Code of Federal Regulations, title 49, section 571.108;
- TT. turn-signal switch: Code of Federal Regulations, title 49, section 571.108;
- UU. turn-signal system: Code of Federal Regulations, title 49, section 571.108;
- VV. warning lamp alternating flasher: SAE recommended practice J1054, "Warning Lamp Alternating Flashers-SAE J1054," revised January 1977, 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983).

7425.2200 MODEL DESIGNATION.

Each lighting device must be marked with a model designation which differentiates one model from another unless the only differences are:

- A. right- and left-hand mounting;
- B. housing finish;
- C. housing material;
- D. mounting methods;
- E. lens color;
- F. lens material;
- G. number of bulbs;

- H. type of bulbs;
- I. number of wiring connections; and
- J. functions.

7425.2300 IDENTIFICATION AND MARKING REQUIREMENTS.

Subpart 1. In general. Lighting devices must be marked and identified to conform with the requirements in subparts 2 to 9.

Subp. 2. Federally regulated lighting devices. Lighting devices required by federal regulations to conform to Code of Federal Regulations, title 49, section 571.108 must be marked according to these federal requirements. Federally regulated equipment may also be marked according to subparts 3 to 5, except as may be prohibited by Code of Federal Regulations, title 49, section 571.108.

Subp. 3. Nonfederally regulated lighting equipment; incorporation by reference. Nonfederally regulated lighting equipment must be marked according to SAE recommended practice J759 MAR82, "Lighting Identification Code-J759 MAR82," 1983 SAE Handbook, published by Society of Automotive Engineers, Inc. (Warrendale, PA, 1983), specifying permanent markings to identify device manufacturer, model, year, and functions. This recommended practice is hereby incorporated by reference.

Subp. 4. Removable bulb. Each removable bulb must be marked so as to identify the bulb manufacturer and also with the model designation or trade number. The design voltage and either the wattage or ampere rating may be shown instead of model designation or trade number. Bulb markings must be indelible and readable without magnification. In cases of private branding, a means of tracing the actual manufacturer must be provided by the owner of the private brand.

Subp. 5. Optical unit and assembly. In addition to the manufacturer's name, initials, or lettered trademark, each optical unit and assembly not covered by a lens or filter when in use must have marked on the lens the function code of the SAE standard or recommended practice to which the lamp complies.

Subp. 6. Location. Lamp and reflex reflector markings sufficient to identify the device as approved, must be located so as to be visible without the removal of any part of the vehicle on which it is installed. Flasher units, built-in signal switches, built-in headlamp housing assemblies, and headlamp beam-switching devices must have the identification marking on the exterior or on the wiring harness, but the markings are not required to be visible on the equipment as installed. Sealed-beam headlamp optical units may have model markings located so as to not be visible as installed on a vehicle, but the manufacturer's name, initials, or lettered trademark, and the lamp designation markings, must be visible on the lens.

Subp. 7. Orientation markings. For orientation markings, each lamp model and separable component and each reflex reflector that may be rotated or installed in an orientation that does not comply with the applicable standards incorporated by reference in this chapter, must be marked so that the installer and a person inspecting the installed device may readily identify when the equipment is not properly oriented.

Subp. 8. Other markings. Markings that are not required and not prohibited by Code of Federal Regulations, title 49, subpart 571.108, may also be applied but must not detract from or change the meaning of the required markings.

Subp. 9. Permanent markings. Markings that are required must be applied so as to be legible for the life of the device.

7425.2400 CONSTRUCTION OF NONFEDERALLY REGULATED DEVICES.

Subpart 1. In general. Nonfederally regulated devices must be constructed to meet the requirements in subparts 2 to 8.

Subp. 2. Convenient adjustments. Lamps must be so constructed that bulb or lens replacements and aiming adjustments may conveniently be made by one person with ordinary hand tools.

Subp. 3. Free from hazard. Lighting devices must be so constructed as to present no unreasonable personal hazard to a qualified person servicing the unit.

Subp. 4. Aim. Lamp mountings must be so arranged that the aim of the lamp will not be disturbed under ordinary conditions of service. The range of aiming adjustment for any lamp requiring aim must be plus or minus four degrees in both the vertical and horizontal planes except as otherwise specified by the applicable SAE standard or recommended practice incorporated by reference in this chapter.

Subp. 5. Replacement. Lamps must be so constructed that an optical unit or bulb can be replaced without disturbing the aim of the lamp.

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PROPOSED RULES

Subp. 6. Attachment and removal. The means of fastening split or solid rims or trim rings must be readily accessible and means must be provided for easy removal of lens-retaining rings when snap or lock rings are used.

Subp. 7. Gaskets. Gaskets must be constructed of a durable material which will retain shape and resiliency.

Subp. 8. Electrical wiring. The electrical wiring must be securely connected and protected from abrasion.

7425.2500 SPECIFICATIONS FOR INDIVIDUAL LIGHTING DEVICES.

Subpart 1. In general. In addition to complying with standards incorporated by reference in this chapter, the requirements for individual devices are listed in subparts 2 to 11.

Subp. 2. Bicycle headlamp. Bicycle headlamp intensity above horizontal must not be greater than 250 candela. The lamp housing must be constructed so that a bulb and battery can be readily replaced. The headlamp must project a distinct beam of white light of uniform pattern.

Subp. 3. Combination lamp. In combination lamps, the requirements for each individual function must be met independently of any other function.

Subp. 4. Electric emergency lantern. Electric emergency lanterns, when placed on any clean, dry, paved road surface, must not tip or slide in a 40 mile-per-hour wind. To test these devices, three sample lanterns regularly marketed and sold must be chilled at a temperature of minus 20 degrees Fahrenheit for 12 hours, after which they must be placed in operation for 12 hours. Failure of two of the three samples to operate or to meet the intensity requirements of SAE standard J596 for electric emergency lanterns, incorporated by reference in part 7425.2100, item L, during the test is an automatic rejection.

Subp. 5. Fusee. Fusees must conform to the requirements in Code of Federal Regulations, title 49, section 393.95(j) (1983) for fusees. The color emitted must be red.

Subp. 6. Alternate replacement of bulb. Each bulb designed or marketed as an alternate replacement must comply with the SAE standards or recommended practices incorporated by reference in this chapter applicable for that type of bulb to permit a lighting device in which it is an alternate replacement to continue to conform to this chapter.

Subp. 7. Replacement lens. Replacement lenses, when installed in the housings for which they are designed, must meet the mechanical test requirements for dust, moisture, vibration, and warpage specified in the standards or recommended practices incorporated in this chapter and applicable to the lamp. If gaskets, sealant, or other parts are supplied with the lens, the requirements must be met using the materials supplied.

The photometric and color requirements of this chapter that were in effect at the time the latest lamp was last manufactured must be met for each function performed. Instructions listing the original lamps or the year and model of the vehicles on which the replacement lenses are designed to be installed must be included with the lens, the retail packaging for the lens, or in a catalog readily available where the lens is sold or offered for sale.

Subp. 8. School bus warning-lamp system. Requirements for operating school bus warning-lamp systems are specified in parts 3520.5200 to 3520.5230 and 3520.5580.

Subp. 9. Spot lamp. Spot lamps must be mechanically or electrically aimed and operated from the inside of the vehicle. This requirement does not apply to those lamps designed for use as utility lights and mounted on public utilities vehicles and on authorized emergency, maintenance, and service vehicles.

Subp. 10. Alternately flashing warning lamp. Alternately flashing warning lamps may be used only on authorized emergency vehicles and school buses.

Subp. 11. Installation of flashing warning lamp. The installation recommendations in SAE standard J595b for flashing warning lamps, incorporated by reference at part 7425.2100, item O, on authorized emergency vehicles are not mandatory for law enforcement vehicles when determined not practicable by the affected law enforcement agency.

7425.2600 NONSTANDARD LIGHTING DEVICES.

Subpart 1. In general. The following device descriptions and requirements in subparts 2 to 7 are for lighting devices permitted or required by Minnesota Statutes for use and for which there are no published SAE standards or federal standards in effect. Approval is not required.

Subp. 2. Courtesy lamp. A courtesy lamp, providing a low intensity white to yellow light used to aid visibility when a person is entering or exiting a vehicle, must not exceed 15 candlepower in any direction outboard of the vehicle and must not be visible outboard unless the door is opened.

Subp. 3. Emergency vehicle flashing white lamp. An emergency vehicle flashing white lamp, that may be used by an authorized emergency vehicle to display a flashing white light in addition to a flashing red light, does not include flashing headlamps during times when the headlamps are required for visibility. The flash rate, duration, and intensity must follow the

SAE standard J595b incorporated by reference at part 7425.2100, item N, or SAE recommended practice J845 incorporated by reference at part 7425.2100, item QQ, as applicable to emergency vehicle warning lamps, except that when used as a traffic signal priority device it must flash as authorized by the commissioner. The white light must be at least four times the intensity required for a red warning light in SAE standard J595b or SAE recommended practice J845, as applicable to the lamp type.

Subp. 4. Fender lamp or side cowl lamp. A fender lamp or side cowl lamp providing a low intensity white light, must not exceed one candlepower intensity in any direction.

Subp. 5. School bus white strobe lamp. A school bus white strobe lamp must be certified to the commissioner by the manufacturer, as provided in Minnesota Statutes, section 169.64, subdivision 7.

Subp. 6. Volunteer fireman lamp. A volunteer fireman lamp, providing a single steady-burning red light mounted facing forward on the front of a vehicle, must follow the performance requirements for stop lamps, incorporated by reference in part 7425.2100, item NN, or in effect at the time of manufacture. This type of lamp does not include a reflex reflector.

Subp. 7. Volunteer ambulance driver lamp. A volunteer ambulance driver lamp is the same type lamp as a volunteer fireman lamp and must comply with the requirements in subpart 6.

7425.5000 SPECIFICATIONS FOR SAFETY GLAZING MATERIAL; INCORPORATION BY REFERENCE.

Safety glass and plastic must comply with the specifications in Code of Federal Regulations, title 49, section 571.205 which is incorporated by reference, and with Minnesota Statutes, section 169.71, subdivision 4, as applicable to type of material, location on the vehicle, performance, and markings. Material that complies with the applicable standard incorporated by reference in this part is approved by the commissioner.

7425.6000 SPECIFICATIONS FOR TRAILER AND SEMITRAILER TOWING DEVICES; INCORPORATIONS BY REFERENCE.

Subpart 1. Federally regulated towing devices. Federally regulated towing devices must comply with the requirements in Code of Federal Regulations, title 49, section 393.70 or 393.71 (1983) which are both incorporated by reference, as applicable according to the towing method.

Subp. 2. Nonfederally regulated towing devices. Nonfederally regulated towing devices must comply with the performance, identification, and installation requirements of the regulations in item A, B, or C which are all incorporated by reference, as applicable according to the vehicle type and weight and the towing method.

A. Hitches and couplings for trailers and semitrailers with a gross vehicle weight rating of 10,000 pounds or less must comply with the requirements in VESC regulation V-5, "Minimum Requirements for Motor Vehicle Connecting Devices and Towing Methods," revised July 1977, Vehicle Equipment Safety Commission (Washington, D.C., 1977), which is hereby incorporated by reference.

B. Towbars and fifth wheel connecting devices for semitrailers with a gross vehicle weight rating of 30,000 pounds or less and towbar connections not covered by VESC regulation V-5 must comply with the requirement in VESC regulation VESC-19, "Performance Requirements for Fifth Wheel Vehicle Connecting Devices and Towing Methods," approved July 1980 by the VESC-19 Committee, Vehicle Equipment Safety Commission (Alexandria, VA, 1980), which is hereby incorporated by reference.

C. Towing devices not covered by VESC regulation VESC-19 or V-5 must comply with the requirements in Code of Federal Regulations, title 49, section 393.70 or 393.71 (1983), incorporated by reference in subpart 1.

Subp. 3. Towing devices. Towing devices are not required to be registered or certified. Devices that comply with subpart 1 or 2 are approved by the commissioner. No other towing devices are approved.

Repealer. Minnesota Rules, parts 7425-0100; 7425.0200; 7425.0300; 7425.0400 are repealed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture Food Inspection Division

Adopted Rules Governing Grading and Candling of Eggs

The rules proposed and published at *State Register*, Volume 8, Number 36, pages 1946-1948, March 5, 1984 (8 S.R. 1946) are adopted as proposed.

Department of Human Services Mental Health Bureau

Notice of Continuation of Temporary Rules Governing Medical Assistance Funding for Day Training and Habilitation, 12 MCAR §§ 2.0300-2.0304 (Temporary)

Notice is hereby given that the above-entitled temporary rule which was effective on January 1, 1984, and published in the *State Register* on February 13, 1984, is continued in effect for an additional 180 days according to Minnesota Statutes, section 14.35.

This means that the above-entitled temporary rule will be in effect until December 25, 1984 unless it is superseded by permanent rules or legislative action.

Department of Human Services Support Services Bureau

Notice of Continuation of Temporary Rules Governing the Determination of Welfare Payment Rates for Nursing Homes Under the Title XIX Program, 12 MCAR §§ 2.05001-2.05016 (Temporary)

Notice is hereby given that the above-entitled temporary rule which was effective on July 1, 1983, and published in the *State Register* on September 12, 1983, is continued in effect for an additional 180 days according to Laws of Minnesota, 1983, chapter 199, section 16.

This means that the above-entitled temporary rule will be in effect until December 21, 1984 unless it is superseded by permanent rules or legislative action.

Department of Public Safety Liquor Control Division

Adopted Rules Governing Liquor Control, Delivery and Transportation, Vehicle Permits

The rules proposed and published at *State Register*, Volume 8, Number 34, pages 1893-1895, February 20, 1984 (8 S.R. 1893) are adopted with the following modifications:

11 MCAR § 1.8058 Delivery.

Licensed or authorized "off-sale" retail liquor dealers and no other class of dealers may make deliveries of intoxicating liquor from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person ~~18~~ 19 or more years of age; and provided further, that such delivery shall not be made to beer taverns or other public or private place in violation of law or ordinance.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

**Department of Education
Executive Division****Notice of Application for Software Pilot Test**

Application to provide test software for a state conducted pilot test of existing microcomputer finance accounting and reporting systems for school districts is hereby solicited. The system selected will be consistent with UFARS requirements and will be used by one to four school districts as an alternative system during a portion of the 1984-85 school year. The system tested will be considered for designation as a state approved alternative system following successful completion of the pilot test. For more information or to apply, developers should contact:

Stan Tikkanen, Director
School Financial Management
865 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-9786

or Joanne Carlson, Executive Director
ESV Computer Council
862 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 297-3152

Applications will be accepted until 4:00 p.m. on May 31.

**Department of Energy and Economic Development
Energy Division****Outside Opinion Sought on Rules Governing Distribution of Community Energy Council
Grant Funds**

Notice is hereby given that the Minnesota Department of Energy & Economic Development, Energy Division, is seeking information or opinions, from sources outside the department in preparing to promulgate new permanent rules governing distribution of community energy council grant funds. The promulgation of these rules is authorized by laws of Minnesota 1984, Chapter 604, which permits the Commissioner of the Department of Energy & Economic Development to adopt rules pursuant to Chapter 14.

OFFICIAL NOTICES

The department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Mark Schoenbaum
Energy Division
Minnesota Department of Energy & Economic Development
900 American Center Building
St. Paul, MN 55101

Oral statements will be received during regular hours over the telephone at (612) 297-3602, and in person at the above address.

All statements of information and comment shall be accepted until a final rule is adopted. Any written material received by the department shall become part of the record in the event that the rules are promulgated.

May 7, 1984

Mark B. Dayton
Commissioner
Minnesota Department of Energy
and Economic Development

Department of Energy and Economic Development Financial Management Division

Outside Opinion Sought Regarding Proposed Rules Governing Procedures in the Granting of Allocations of Authority to Issue Bonds or Other Obligations Subject to a Federal Limitation Act

Notice is hereby given that the Minnesota Department of Energy and Economic Development, Financial Management Division, is seeking information of opinions from sources outside the department in preparing to promulgate new rules governing the granting of allocations of authority to issue bonds or other obligations subject to a Federal Limitation Act. The promulgations of these rules is authorized by Minnesota Laws 1984, ch. 582, section 1, subd. 2, which requires the department to adopt rules, including temporary rules under sections 14.29 to 14.36, to provide for the allocation of the amount of issuance authority allocated pursuant to section 11, subdivision 3.

The Minnesota Department of Energy and Economic Development requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Richard Nadeau
Financial Management Division
Minnesota Department of Energy and Economic Development
150 E. Kellogg Blvd., Room 900
St. Paul, Minn. 55101

Oral statements will be received during regular business hours over the telephone at 612/297-4398 and in person at the above address.

All statements of information and comments shall be accepted until June 11, 1984. Any written material received by the Minnesota Department of Energy and Economic Development shall become part of the record in the event the rules are promulgated.

Department of Health Emergency Medical Services Section

Emergency Medical Services Licensure Application for Grand Rapids, Minnesota

As of May 21, 1984, a complete application for an expansion of primary service area of advanced life support transportation service was submitted by Meds-1 Ambulance Service, Inc., to operate from their previous base of operation at 330 W. 3rd St., Grand Rapids, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Health Systems Agency of Western Lake Superior, 202 Ordean Building, 242 West Superior St., Duluth, Minnesota 55802, Attn: JoAnne Axtell, Executive Director. The comments must reach the Health Systems Agency before June 20, 1984, or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

Department of Human Services Social Services Division

Outside Opinion Sought Regarding Proposed Rules Governing Adult Day Care Centers and Family Adult Day Care Homes

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing adult daycare. Adult daycare refers to supervised day programming for functionally impaired adults in a setting other than their own homes. Some components of day programming are: nutrition, transportation, medical services, socialization, and recreational activities. The promulgation of these rules is authorized by Minnesota Statutes, section 245.782, which requires the agency to license adult daycare facilities.

The State Department of Human Services requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Suzanne Kasper Glass
Adult and Volunteer Services
4th Floor — Centennial Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at 612/297-1216 and in person at the above address.

All statements of information and comment shall be accepted until further notice. Any written material received by the State Department of Human Services shall become part of the record in the event that the rules are promulgated.

Metropolitan Council

Notice of Change in Regional Transit Board Public Hearing Locations, Subject

The Metropolitan Council is changing the locations of two previously announced public hearings on candidates under consideration for appointment to the new Regional Transit Board. The hearing on June 7 at 7 p.m. is being changed from the Highland Park Junior High School to the Linwood Open School, 1023 Osceola, St. Paul. The hearing will include consideration of candidates for regional Transit Board B and candidates for board chair. The hearing at 7 p.m. Wednesday, June 13, for District E is being changed from South High School to Room 006, Washburn Senior High School, 201 West 49th Street, Minneapolis. The board will coordinate transit operations within the Metropolitan Area and implement the Metropolitan Council's long-term transit plans; establish a transit information service; adopt a transit service implementation plan; contract with transit operators in the Metropolitan Area to provide transit services; coordinate special transportation services for the elderly, handicapped or others with special transportation needs; administer contracts for paratransit projects; appoint the members of the Metropolitan Transit Commission; and other transit related responsibilities. Members are appointed by the Metropolitan Council. The chair is appointed by the Governor. Meetings will be scheduled by the board. Members receive \$50 per diem and expenses. Application forms can be obtained from the Secretary of State's Office, 296-3266. Applications must be received by June 6. For more information contact Bill Lester at the Metropolitan Council, 300 Metro Square Bldg., St. Paul 55101, 291-6630.

OFFICIAL NOTICES

Minnesota Teachers Retirement Association

Meeting Notice of Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Tuesday, June 5, 1984, at 8:30 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the Board.

Department of Natural Resources Minerals Division

Outside Opinion Sought Regarding Proposed Adoption of Rules Governing Peatland Reclamation

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing the reclamation of peatlands in order to control possible adverse environmental affects of mining.

The promulgation of these rules is authorized by Minnesota Statutes 1983 Supp., sec. 93.44 and sec. 93.461, which permit the agency to adopt rules and regulations relating to reclamation of lands subjected to the mining of peat.

The Minnesota Department of Natural Resources requests information and comments concerning the subject matter of the proposed rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements shall be addressed to:

Cindy Buttleman
Division of Minerals
Department of Natural Resources
Box 45
Centennial Office Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-4807 and in person at the above address.

All statements of information and comment will be accepted until June 30, 1984. Any written material received by the Minnesota Department of Natural Resources shall become part of the record in the event that the rules are promulgated.

Steven G. Thorne, Deputy Commissioner
Department of Natural Resources

Board of Optometry

Outside Opinion Sought in Preparing New Rules Governing Clinical Practical Demonstrations and Jurisprudence Testing

Pursuant to Minn. Stat. § 14.10 (1982), notice is hereby given that the Minnesota State Board of Optometry is seeking information or opinions from persons outside the Board in preparing to promulgate new rules governing clinical practical demonstrations and jurisprudence testing as authorized by Minn. Stat. § 148.53 (1982); to amend a rule governing continuing education requirements as authorized by Minn. Stat. §§ 148.53 and 214.12 (1982); to amend a rule governing individual annual license renewal as authorized by Minn. Stat. §§ 148.53, 148.59, and 214.06 (1982); and to amend a rule governing licensure by reciprocity as authorized by Minn. Stat. §§ 148.53, and 148.57, subd. 2 (1982).

The Minnesota State Board of Optometry requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment to: Dr. Burton Skuza, Executive Secretary, Room 342, 717 Delaware Street Southeast, P.O. Box 9441, Minneapolis, Minnesota 55440, phone: (612) 623-5544.

All statements of information and comment will be accepted until June 20, 1984. Any written material received by the Minnesota State Board of Optometry will become part of the record in the event that the rules are promulgated.

May 10, 1984

Burton H. Skuza, O.D.
Executive Secretary
Minnesota Board of Optometry

Pollution Control Agency

Notice of Meeting

The Minnesota Pollution Control Agency will hold a public meeting on Thursday, May 24, 1984 at 9:00 a.m. in the Agency Board room of the Minnesota Pollution Control Agency at 1935 W. County Road B-2, Roseville, Minnesota.

Subject matter to be discussed at the meeting will include:

- 9:00 a.m. Air Quality Permit Fees
- 10:00 a.m. Administration of Permit Fee Program
- 10:30 a.m. Water Quality Permit Fees

Copies of the draft Permit Fee Rule may be obtained by writing or calling:

Mary Kimlinger
Minnesota Pollution Control Agency
Division of Water Quality
1935 W. County Road B-2
Roseville, Minnesota 55113
(612) 296-7232

Written comments concerning the draft rules may also be submitted to the above person.

May 14, 1984

Jay M. Heffern
Deputy Executive Director

State Planning Agency

Announcement of First Meeting of Institutional Care and Economic Impact Planning Board

The first meeting of the Institutional Care and Economic Impact Planning Board will be held on June 8, 1984, in the Capitol Square Building, first floor, Conference Rooms A and B, from 10:00 a.m.-12:00 noon. This Board was established by Minnesota Laws 1984 Chapter 654 § 19.

The Planning Board consists of the Commissioners of the departments of Public Welfare, Administration, Employee Relations, Economic Security, Energy and Economic Development, and Finance. The Director of the State Planning Agency serves as Chair.

For additional information, contact:

Colleen Wieck, Executive Director
Developmental Disabilities Program
(612) 296-9964.

Department of Transportation

Consolidated Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825

Whereas, the Commissioner of Transportation by Order No. 67790, dated May 27, 1983, which order has been amended by Orders Nos. 68172, 68273, 68362, 68509, 68621, and 68836 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

OFFICIAL NOTICES

Whereas, the Commissioner has determined that the record of said designation has become cumbersome to maintain, and that the existing designations should be consolidated with needed amendments into one order and document,

The Commissioner, as of the date of this Consolidated Order, hereby vacates, recinds and sets aside Order No. 67790, as amended by Orders Nos. 68172, 68273, 68362, 68509, 68621, and 68836.

The Commissioner of Transportation as of this date orders and gives notice, pursuant to Minnesota Statutes § 169.832 (1982), that the following street and highway routes, or segments of those routes, are designated and permitted to carry the gross weights allowed under Minnesota Statutes, § 169.825. Those routes or their segments are as follows:

Explanatory Note: Both the 12 month and seasonal routes are listed together. The 12 month routes are all in capital letters. The seasonal routes are in small letters. The routes are listed in numerical order and read geographically from west to east and from south to north.

TRUNK HIGHWAYS

- T.H. 1 — From West State Border to Jct. T.H. 219 (effective 5-15).
From Jct. T.H. 72 (Shooks Corner) to Jct. T.H. 71 (effective 12-1).
From Jct. T.H. 46 to Jct. T.H. 6 (effective 12-1).
- T.H. 2 — From West State Border to Jct. T.H. 61 (I-35) (effective 5-15).
FROM JCT. I-35 IN DULUTH TO ARROWHEAD BRIDGE (12 MONTH).
- T.H. 3 — From Jct. T.H. 3 and 20th Street in Faribault to North Rice County Line (effective 7-1).
From North Rice County Line to Jct. T.H. 55 (effective 5-15).
FROM JCT. T.H. 110 TO T.H. 5 (12 MONTH).
- T.H. 4 — From Jct. T.H. 14 north to Jct. T.H. 68 (effective 5-15).
From Jct. C.S.A.H. 12 north and west to Weston Ave. (St. James) (effective 5-15).
- T.H. 5 — From west Jct. T.H. 19 to T.H. 212 (effective 5-15).
From Jct. T.H. 41 to I-494 (effective 5-15).
FROM JCT. I-494 TO MISSISSIPPI RIVER (12 MONTH).
From Mississippi River to Kellogg Blvd. (effective 5-15).
(EAST 7TH STREET) FROM T.H. 52 (ROBERT STREET (EAST TO EAST MINNEHAHA AVENUE (12 MONTH).
- T.H. 6 — From Jct. T.H. 18 to east Jct. T.H. 210 (effective 5-15).
From Jct. T.H. 200 (Remer) to North Jct. T.H. 1 (effective 12-1).
- T.H. 7 — From Jct. T.H. 12 to JCT. T.H. 29 (effective 5-15).
FROM JCT. T.H. 29 (SOUTHERN PORTION OF MONTEVIDEO BELTLINE) EASTERLY TO THE JCT. T.H. 23 (CLARA CITY) (12 MONTH).
From Jct. T.H. 23 (Clara City) TO Jct. T.H. 15 (effective 5-15).
FROM T.H. 15 TO JCT. I-494 (12 MONTH).
From Jct. I-494 to Jct. T.H.100 (effective 5-15).
- T.H. 8 — From Jct. I-35 to East State Line (St. Croix River) (effective 5-15).
- T.H. 9 — From Jct. T.H. 29 to Jct. T.H. 59 (effective 5-15).
From Clay County C.S.A.H. 52 in Barnesville to Jct. I-94 (Effective 5-15).
FROM JCT. I-94 TO 2 MILES NORTH (12 MONTH).
From Jct. T.H. 10 to Jct. T.H. 2 (effective 6-15).
- T.H. 10 — FROM WEST STATE LINE TO BECKER COUNTY C.S.A.H. 10 (FRAZEE) (12 MONTH).
From Becker County C.S.A.H. 10 (Frazee) to Jct. T.H. 47 (Anoka) (effective 5-15).
FROM JCT. T.H. 47 TO JCT. I-694 (12 MONTH).
From West State Line to Jct. T.H. 78 (Perham) (12 month)

- From T.H. 78 (Perham) to Jct. T.H. 47 (Anoka) (effective 5-15).
- T.H. 11 — From Jct. T.H. 32 to Baudete (effective 5-15).
From West State Line to Jct. T.H. 59 (effective 10-1).
From Jct. T.H. 71 (Pelland) to Jct. T.H. 332 (effective 12-1).
* From Jct. T.H. 59 (Karlstad) to Jct. T.H. 32 (Greenbush) (Effective 5-15).
- T.H. 12 — From West State Line to Jct. T.H. 7 (Ortonville) (Effective 5-15)
From Jct. T.H. 59 to Jct. T.H. 94 (effective 5-15).
FROM T.H. 280 TO I-94 AT ROBERT ST. (ST. PAUL) (12 MONTH).
FROM I-694 TO EAST STATE LINE (12 MONTH).
- T.H. 13 — From Jct. I-90 (Albert Lea) to Jct. T.H. 60 (effective 5-15).
From Montgomery to New Prague (effective 5-15).
From Jct. T.H. 282 northeast to Jct. T.H. 101 (effective 5-15).
FROM JCT. T.H. 101 TO JCT. I-35W (12 MONTH).
From Jct. I-90 (Albert Lea) to New Prague (effective 5-15).
From I-35E to J.T. Shiely Yard Entrance (12 month).
- T.H. 14 — From Jct. T.H. 75 to 24th Avenue North West in Owatonna (effective 5-15).
FROM 24TH AVENUE NORTHWEST TO STATE AVENUE IN OWATONNA (12 MONTH).
* From Jct. T.H. 218 to Jct. T.H. 57 (Kasson) (effective 5-15).
FROM JCT. T.H. 57 (KASSON) TO JCT. T.H. 63 (ROCHESTER) (12 MONTH).
From La Crescent to East State Line (effective 5-15).
WITHIN THE CITY LIMITS OF ST. CHARLES (12 MONTH).
- T.H. 15 — From I-90 to Jct. T.H. 60 (12 month).
- T.H. 15 — From Jct. T.H. 60 to Jct. T.H. 257 (effective 5-15).
From Jct. T.H. 14 to Jct. T.H. 19 (effective 5-15).
*From Fairmont to Jct. I-90 (effective 5-15).
- T.H. 16 — From Jct. I-90 (Dexter) to East Jct. T.H. 52 (effective 5-15).
From Jct. T.H. 44 to Jct. T.H. 61 (effective 5-15).
From La Crescent to East State Line (effective 5-15).
- T.H. 18 — From Jct. T.H. 210 to South Jct. T.H. 169 (effective 5-15).
From South Jct. T.H. 47 to North Jct. T.H. 47 (effective 5-15).
From Finlayson to East Jct. T.H. 23 (effective 5-15).
- T.H. 19 — From West State Line to Jct. T.H. 75 (effective 5-15).
From West City Limits of Marshall to Jct. T.H. 22 (effective 5-15).
*From Jct. I-35 to Jct. T.H. 3 (Northfield) (effective 5-15).
- T.H. 20 — From Jct. T.H. 52 to Bridge St. (Cannon Falls) (effective 5-15).
From Jct. T.H. 19 to North City Limits (Cannon Falls) (effective 5-15).
- T.H. 21 — From Jct. I-35 to Jct. T.H. 60 in Faribault (effective 5-15).
From South Jct. T.H. 13 to Jct. 169 (effective 5-15).
- T.H. 22 — From Jct. T.H. 109 to Jct. T.H. 60 (effective 5-15).
From Jct. T.H. 212 to Jct. T.H. 55 (effective 5-15).
- T.H. 23 — From Jct. T.H. 269 to Cottonwood (effective 5-15).
FROM COTTONWOOD TO I-94 (12 MONTH).

OFFICIAL NOTICES

- From Jct. I-94 to Jct. I-35 (effective 5-15).
- From North Jct. I-35 to Askov (effective 5-15).
- From Jct. T.H. 39 to Jct. I-35 (Duluth) (12 month).
- T.H. 24 — From Jct. I-94 to Jct. T.H. 10 (effective 5-15).
- T.H. 25 — From South Jct. T.H. 5 to Norwood (effective 5-15).
- FROM JCT. I-94 TO SHERBURNE COUNTY C.S.A.H. 11 (12 MONTH).
- From Sherburne C.S.A.H. 11 to North Jct. T.H. 10 (effective 5-15).
- From Jct. T.H. 18 to Merrifield (effective 5-15).
- T.H. 27 — From Jct. T.H. 75 (Wheaton) to Jct. T.H. 9 (effective 5-15).
- From Jct. T.H. 29 to Jct. T.H. 127 (effective 5-15).
- From South Jct. T.H. 71 to Jct. T.H. 25 (effective 5-15).
- From North Jct. T.H. 47 to Jct. T.H. 65 (effective 5-15).
- From Jct. T.H. 73 (Moose Lake) to I-35 (effective 5-15).
- T.H. 28 — From West State Line to Glenwood (effective 5-15).
- FROM 5TH STREET NORTHWEST IN GLENWOOD TO JCT. I-94 (12 MONTH).
- From Swanville to Jct. T.H. 27 (12 month).
- T.H. 29 — FROM JCT. I-94 TO ITS NORTH JCT. T.H. 27 (ALEXANDRIA) (12 MONTH).
- T.H. 30 — From Jct. T.H. 75 to North Jct. T.H. 59 (effective 5-15).
- From Ellendale to Jct. I-35 (effective 7-1).
- T.H. 32 — From Ulen to Fertile (effective 7-1).
- From Jct. T.H. 2 to Red Lake Falls (effective 10-1).
- In St. Hilaire from the Elevator entrance to Pennington County C.S.A.H. 3 (effective 5-15).
- From Jct. T.H. 1 to Jct. T.H. 11 (effective 5-15).
- T.H. 33 — From Jct. I-35 to Jct. T.H. 53 (effective 5-15).
- T.H. 34 — From Jct. T.H. 225 (Osage) to Jct. T.H. 371 (Walker) (effective 5-15).
- I-35 — CONTINUOUS FROM SOUTH STATE LINE TO 1.0 MILE NORTH OF JCT. WITH I-535 IN DULUTH. INCLUDES I-35W and I-35E FROM DOWNTOWN ST. PAUL TO VICINITY OF FOREST LAKE (12 MONTH).
- T.H. 36 — FROM JCT. I-35W TO SOUTH JCT. T.H. 95 NEAR STILLWATER (12 MONTH).
- From South Jct. T.H. 95 to East State Line (effective 5-15).
- T.H. 37 — From Jct. T.H. 53 to Jct. T.H. 135 (effective 5-15).
- T.H. 40 — From West State Line to Jct. T.H. 75 (effective 5-15).
- T.H. 41 — From Jct. T.H. 169 to Jct. T.H. 212 (effective 5-15).
- From Jct. T.H. 5 to Jct. T.H. 7 (effective 5-15).
- T.H. 43 — FROM JCT. I-90 TO JCT. T.H. 61 (12 MONTH).
- From Jct. T.H. 61 to East State Line (effective 5-15).
- T.H. 44 — From west Jct. T.H. 52 to Jct. T.H. 16 (effective 5-15).
- T.H. 45 — From Jct. T.H. 210 (Carlton) to Jct. T.H. 33 (Cloquet) (effective 5-15).
- T.H. 46 — From Jct. T.H. 2 to Jct. T.H. 1 at Northome (effective 10-1).
- T.H. 47 — FROM T.H. 65 IN MINNEAPOLIS TO JCT. T.H. 10 IN ANOKA (12 MONTH).
- T.H. 51 — FROM T.H. 5 (W. 7th ST.) IN ST. PAUL TO I-694 IN ARDEN HILLS (VIA MONTREAL FROM W. 7th ST. TO SNELLING AVE., THEN VIA SNELLING AVE. FROM MONTREAL TO I-694) (12 MONTH).
- T.H. 52 — From South State Line to I-90 (effective 5-15).

FROM JCT. I-90 (MARION) TO JCT. OLMSTED COUNTY ROAD 15, NORTH OF ROCHESTER (12 MONTH).

From Olmstead County Road 15 to South Goodhue County Line (effective 5-15).

From South Goodhue Line to Jct. T.H. 55 (effective 5-15).

FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55 (12 MONTH).

From North Jct. T.H. 55 to Plato Blvd. (effective 5-15).

FROM PLATO BLVD. TO I-94 (12 MONTH).

FROM JCT. T.H. 100 TO JCT. I-94 (12 MONTH).

From Olmstead County Road 14 to Jct. T.H. 55 (effective date 5-15).

T.H. 53 — From Jct. I-35 (Duluth) to South Jct. T.H. 169 (Virginia) (effective 5-15).

From West Douglas County Line to Jct. T.H. 29 (Glenwood) (effective 8-1).

From South Jct. T.H. 169 (Virginia) to International Falls (effective 12-1).

From Jct. I-35 (Duluth) to Potlatch Plant, 5 miles South of Cook (effective 5-15).

T.H. 55 — From Jct. T.H. 29 to Brooten (effective 5-15).

FROM 6.5 MILES WEST OF JCT. T.H. 71 (BROOTEN) TO JCT. T.H. 23 (12 MONTH).

From Jct. T.H. 23 to Jct. T.H. 22 (effective 5-15).

FROM JCT. T.H. 22 (EDEN VALLEY) TO T.H. 61 (HASTINGS) (12 MONTH).

T.H. 56 — From Adams to Jct. I-90 (effective 5-15).

From Jct. I-90 to Jct. T.H. 30 (effective 7-1).

From Jct. T.H. 60 (Kenyon to Randolph) (effective 8-1).

From Randolph to South Jct. T.H. 55 (effective 5-15).

FROM SOUTH JCT. T.H. 55 TO NORTH JCT. T.H. 55 (12 MONTH).

From north Jct. T.H. 55 to Jct. T.H. 3 (effective 5-15).

T.H. 57 — From Jct. T.H. 14 to Dodge County C.S.A.H. 34 (effective 5-15).

From Jct. Dodge County C.S.A.H. 34 to North City Limits of Wanamingo (effective 7-1).

T.H. 58 — From Jct. T.H. 63 on Plum Street to T.H. 61 (Main Street) in Red Wing (effective 5-15).

T.H. 59 — From Jct. T.H. 60 to Worthington (effective 5-15).

From Worthington to Fulda (effective 12 months).

From Fulda to Jct. T.H. 68 (effective 5-15).

From West Jct. T.H. 68 in Marshall north to Erie Road (65) feet (effective 5-15).

From Jct. T.H. 67 to Jct. T.H. 12 (effective 5-15).

From South Jct. T.H. 9 to Jct. T.H. 28 (effective 5-15).

From I-94 to South Jct. T.H. 210 (effective 5-15).

FROM NORTH JCT. I-94 TO JCT. T.H. 10 (DETROIT LAKES) (12 MONTH).

From Jct. T.H. 1 to North State Line (effective 5-15).

From Jct. T.H. 10 to Jct. T.H. 32 (Thief River Falls) (effective 5-15).

T.H. 60 — From South State Line to North Jct. T.H. 169 (effective 5-15).

From Jct. T.H. 22 to East Jct. T.H. 14 (effective 5-15).

FROM JCT. I-35 TO 2ND AVENUE IN FARIBAULT (12 MONTH).

From Jct. T.H. 57 to Jct. T.H. 52 (effective 7-1).

*From Jct. T.H. 52 (Zumbrota) to Jct. T.H. 63 (Zumbro Falls) (effective 8-1).

T.H. 61 — From East State Line to La Crescent (effective 5-15).

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- From La Crescent to I-90 (effective 5-15).
FROM NORTH JCT. I-90 TO 1 MILE NORTH OF T.H. 60 AT WABASHA (12 MONTH).
From Wabasha to 150' East of Potter Street in Red Wing (effective 7-1).
From 150' east of Potter St. to Broad St. in Red Wing (effective 5-15).
FROM HASTINGS TO JCT. I-94 (12 MONTH).
FROM JCT. T.H. 5 (EAST 7TH STREET) TO NORTH JCT. T.H. 96 (12 MONTH).
From North Jct. T.H. 96 to Jct. T.H. 35 at Wyoming (effective 5-15).
FROM END OF I-35 (DULUTH) TO LAKE COUNTY ROAD 2 (TWO HARBORS) (12 MONTH).
From Lake County Road 2 to North State Line (effective 1-1 thru 3-1).
- T.H. 62 — From Jct. T.H. 59 to Jct. T.H. 60 (effective 10-1).
- T.H. 63 — From Jct. T.H. 16 to Jct. T.H. 30 (Stewartville) (effective 7-1).
FROM JCT. T.H. 30 (STEWARTVILLE) TO JCT. T.H. 14 (ROCHESTER) (12 MONTH).
From Rochester to Wabasha County C.S.A.H. 62 (Lake City (effective 8-1).
From Lake City (C.S.A.H. 62) to Jct. T.H. 58 (Plum Street) in Red Wing (effective 7-1).
From Jct. T.H. 58 (Plum Street in Red Wing) to East State Line (effective 5-15).
From Jct. T.H. 14 to Jct. Olmstead County CSAH 14 (12 month).
From Olmstead County CSAH 14 to Wabasha County CSAH 62 (Lake City) (effective 7-15).
- T.H. 64 — From Jct. T.H. 34 to Jct. T.H. 200 (effective 7-1).
- T.H. 65 — From I-35 to 7th Avenue in Albert Lea (effective 5-15).
FROM 7TH STREET TO I-35 IN ALBERT LEA (12 MONTH).
FROM JCT. T.H. 94 TO JCT. T.H. 52 (12 MONTH).
From Jct. I-694 to Jct. T.H. 27 (effective 5-15).
From Pengilly to North Jct. T.H. 169 (effective 5-15).
- T.H. 67 — From Jct. T.H. 75 to Jct. T.H. 59 (effective 5-15).
From Echo to West Jct. T.H. 19 (effective 5-15).
From East Jct. T.H. 19 to Jct. T.H. 68 at Morgan (effective 5-15).
- T.H. 68 — From West State Line to Milroy (effective 5-15).
From Wabasso to Jct. T.H. 71 (effective 5-15).
From Jct. T.H. 67 (Morgan) to Jct. T.H. 14 and T.H. 68 in New Ulm (effective 5-15).
- T.H. 71 — From South State Line to Jct. T.H. 212 (effective 5-15).
FROM JCT. T.H. 212 TO NORTH JCT. T.H. 23 (12 MONTH).
From North Jct. T.H. 23 to Jct. T.H. 34 (effective 5-15).
From Jct. T.H. 34 to West Jct. T.H. 200 (effective 7-1).
From West Jct. T.H. 200 to East Jct. T.H. 200 (effective 12-1).
From East Jct. T.H. 200 to South Jct. Beltrami County Road 50 (effective 10-1).
From North Jct. Beltrami County Road 50 to Blackduck (effective 5-15).
From Blackduck to Jct. T.H. 332 (effective 12-1).
- T.H. 72 — From Jct. T.H. 1 (Shooks Corner) to Jct. T.H. 11 (effective 12-1).
- T.H. 73 — From Jct. I-35 to Jct. T.H. 27 (effective 5-15).
From South Jct. T.H. 169 to (Hibbing) (effective 5-15).
From Jct. T.H. 169 (Chisholm) to Jct. T.H. 53 (effective 12-1).
- T.H. 74 — FROM JCT. I-90 TO JCT. T.H. 14 (ST. CHARLES) (12 MONTH).

- T.H. 75 — From I-90 to North State Line (effective 5-15).
 From Jct. T.H. 10 (Moorhead) to Jct. Clay County 18 (12 month).
 From Jct. Polk County CSAH 9 to Jct. T.H. 2 (Crookston) (12 month).
- T.H. 77 — FROM JCT. I-35E TO JCT. I-494 (12 MONTH).
- T.H. 79 — From Jct. T.H. 59 (Elbow Lake) to I-94 (effective 5-15).
- T.H. 86 — From Jct. I-90 to Lakefield (effective 5-15).
 From Lakefield to Jct. T.H. 60 (effective 7-1).
- T.H. 87 — From Jct. T.H. 10 to Frazee (effective 5-15).
 From South Jct. T.H. 71 (Menaga) to North Jct. T.H. 71 (effective 5-15).
- T.H. 89 — From Jct. T.H. 2 to South Jct. T.H. 1 (effective 5-15).
 From Grygla Elevator entrance to South Jct. T.H. 1 and T.H. 89 (West of City of Red Lake Falls) (effective 10-1).
 From Jct. T.H. 219 to Grygla Elevator Entrance (effective 12-1).
 *From Jct. T.H. 11 to Canadian Border (effective 10-1).
- T.H. I-90— FROM WEST STATE LINE TO EAST STATE LINE (12 MONTH).
- T.H. 91 — From Jct. I-90 to Nobles County CSAH 16 (near Lismore) (effective 12-1).
 From Jct. I-90 (Adrian) to Lismore (effective 12-1).
 From Chandler to Jct. T.H. 23 (effective 12-1).
 From Jct. Noble County C.S.A.H. 28 at Adrian to I-90 (effective 5-15).
 From Iowa Border to North Limits of Ellsworth (effective 5-15).
 From Jct. Nobles County CSAH 28 (Adrian) to Jct. I-90 (effective 5-15).
- T.H. 92 — From Jct. T.H. 200 (Zerkel) to Jct. T.H. 2 (effective 12-1).
 From Jct. T.H. 2 to Jct. 222 (effective 7-1).
 From 2 miles West of Jct. T.H. 222 to Jct. T.H. 222 (effective 7-1).
 From Jct. T.H. 2 to two miles west of Jct. T.H. 222 (effective 7-1).
- T.H. I-94— FROM WEST STATE LINE TO JCT. I-694 EAST OF ST. PAUL (12 MONTH). NOTE: I-694 TO EAST STATE LINE THE HIGHWAY DESIGNATION IS T.H. 12 (12 MONTH).
- T.H. 95 — From Jct. T.H. 169 to Jct. C.S.A.H. 30 in North Branch (effective 5-15).
 From Laurel St. to North Jct. T.H. 36 in Stillwater (effective 5-15).
 FROM SOUTH JCT. T.H. 36 TO JCT. T.H. 12 (12 MONTH).
 State Prison Entrance from Jct. T.H. 95 to Washington County Road 28 (effective 5-15).
- T.H. 96 — From Jct. I-35W to Jct. T.H. 61 (effective 5-15).
- T.H. 100 — FROM JCT. I-494 TO JCT. I-94 (12 MONTH).
- T.H. 101 — FROM JCT. T.H. 13 TO JCT. T.H. 169 IN SHAKOPEE (12 MONTH).
 From South Jct. T.H. 169 to Jct. T.H. 212 and 169 (effective 5-15).
 From Jct. T.H. 152 to Jct. C.S.A.H. 150 (Rogers) (effective 5-15).
 FROM JCT. C.S.A.H. 150 (ROGERS) TO JCT. T.H. 169 (ELK RIVER) (12 MONTH).
- T.H. 109 — From Jct. T.H. I-90 to Jct. T.H. 22 (effective 5-15).
- T.H. 110 — FROM JCT. T.H. 55 TO JCT. T.H. 56 (12 MONTH).
- T.H. 113 — From Jct. T.H. 32 to Jct. T.H. 59 (effective 10-1).
 From Jct. T.H. 59 to Jct. T.H. 71 (effective 12-1).
- T.H. 127 — From Jct. I-94 to Jct. T.H. 27 (effective 5-15).
- T.H. 135 — From North Jct. T.H. 53 to South Jct. T.H. 53 (effective 12-1).

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- From Jct. T.H. 53 to Aurora (effective 5-15).
- T.H. 149 — From Jct. T.H. 3 to North Jct. T.H. 55 (effective 5-15).
- T.H. 152 — FROM 49th AVENUE NORTH TO JCT. I-94 (12 MONTH).
FROM JCT. T.H. 169 (OSSEO) TO JCT. T.H. 101 (DAYTON) (12 MONTH).
- T.H. 169 — From South State Line to Jct. T.H. 21 (Jordan) (effective 5-15).
FROM JCT. T.H. 21 (JORDAN) TO SOUTH JCT. T.H. 101 (SHAKOPEE) (12 MONTH).
From South Jct. T.H. 101 (Shakopee) to Jct. I-494 (effective 5-15).
FROM JCT. I-494 TO NORTH JCT. T.H. 152 (OSSEO) (12 MONTH).
From North Jct. T.H. 152 to Jct. T.H. 23 (effective 5-15).
From South Jct. T.H. 27 to East Jct. T.H. 210 (effective 5-15).
From Jct. T.H. 200 (Hill City) to South Jct. T.H. 53 (effective 5-15).
From North Jct. T.H. 53 to Windom (effective 12-1).
- T.H. 171 — From North Dakota Border to Jct. T.H. 75 (effective 5-15).
- T.H. 175 — From West State Line to Jct. T.H. 59 (effective 5-15).
- T.H. 194 — From Jct. T.H. 2 to Jct. T.H. 53 (effective 5-15).
- T.H. 200 — From West State Line to Jct. T.H. 9 (Ada) (effective 5-15).
From Jct. T.H. 9 to Jct. T.H. 32 (effective 10-1).
From Jct. T.H. 32 to East Norman County Line (effective 5-15).
From Jct. T.H. 92 (Zerkel) to East Jct. T.H. 71 (effective 12-1).
From East Jct. T.H. 71 to Jct. T.H. 64 (effective 10-1).
From Jct. T.H. 9 to Jct. T.H. 32 (effective 10-1).
From Jct. T.H. 32 to Jct. T.H. 59 (effective 5-15).
- T.H. 201 — From Jct. T.H. 10 to Jct. T.H. 169 (Elk River) (effective 5-15).
- T.H. 210 — From West State Line to Jct. I-94 (effective 5-15).
FROM JCT. I-94 TO ST. ANDREWS STREET SOUTH IN FERGUS FALLS (12 MONTH).
In Fergus Falls from St. Andrews Street South to Sheridan Avenue (effective 5-15).
From West Jct. T.H. 10 to I-35 (effective 5-15).
From I-35 to Jct. T.H. 45 (effective 5-15).
- T.H. 212 — From West State Line to Granite Falls (effective 5-15).
FROM GRANITE FALLS TO EAST LIMITS OF OLIVIA (12 MONTH).
From East Limits of Olivia to Jt. T.H. 22 (Glencoe) (effective 5-15).
FROM JCT. T.H. 22 (GLENCOE) TO EAST McLEOD COUNTY LINE (12 MONTH).
From East McLeod County Line to Jct. T.H. 41 (Chaska) (effective 5-15).
From Jct. T.H. 101 to Jct. I-494 (effective 5-15).
- T.H. 217 — From Little Fork to Jct. T.H. 53 (effective 12-1).
- T.H. 218 — From South State Line to 1.75 miles south of Jct. I-90 (effective 5-15).
FROM 1.75 MILES SOUTH OF I-90 TO EAST JCT. I-90 (12 MONTH).
FROM WEST JCT. I-90 TO 2 MILES NORTH OF JCT. I-90 (12 MONTH).
From 2 miles North of Jct. I-90 to I-35 (effective 5-15).
- T.H. 219 — From Jct. T.H. 1 to Goodridge (effective 5-15).
From Goodridge to Jct. T.H. 89 (effective 12-1).
- T.H. 222 — From Jct. T.H. 92 to Oklee (effective 7-1).

- T.H. 226 — From Jct. T.H. 34 into Dorset (effective 5-15).
T.H. 231 — From West State Line to Jct. I-94 (Moorhead) (effective 5-15).
T.H. 242 — (Main Street) from T.H. 10 to 9th Avenue (in Anoka) (effective 5-15).
T.H. 251 — From Hollandale to I-35 (effective 8-1).
*T.H. 266 — From I-90 to Wilmont (effective 8-1).
T.H. 267 — From Iona to Jct. T.H. 30 (effective 5-15).
T.H. 270 — From Hills to Jct. T.H. 75 (effective 5-15).
T.H. 273 — From Jct. T.H. 19 to Belview (effective 5-15).
T.H. 274 — From Wood Lake to Jct. T.H. 23 (effective 5-15).
T.H. 275 — From Boyd to Jct. T.H. 212 (effective 5-15).
T.H. 280 — FROM JCT. I-94 TO JCT. T.H. 36 (12 MONTH).
T.H. 282 — From Jct. T.H. 169 to Jct. T.H. 13 (effective 5-15).
*T.H. 308 — From Jct. T.H. 89 to Jct. T.H. 11 (effective 5-15).
T.H. 324 — FROM I-35 TO JCT. WITH T.H. 361 (PIE CITY) (12 MONTH).
T.H. 332 — From Jct. T.H.s. 11 and 71 to Jct. T.H. 53 (effective 12-1).
T.H. 361 — From I-35 to Jct. T.H. 324 (Pine City) (effective 5-15).
T.H. 371 — From Jct. T.H. 10 to Jct. T.H. 2 (effective 5-15).
I-494 — FROM JCT. I-94 (FISH LAKE) TO EAST JCT. T.H. 5 AT TWIN CITY INTERNATIONAL AIRPORT (12 MONTH).
I-535 — FROM I-35 TO EAST STATE BORDER (DULUTH) (12 MONTH).
I-694 — FROM WEST JCT. I-94 (BROOKLYN CENTER) TO EAST JCT. I-94 EAST OF ST. PAUL (12 MONTH).

CITY STREETS

- Albert Lea — MARGARETHA AVENUE FROM T.H. 65 SOUTH TO 13TH STREET AND 13TH STREET EAST TO ITS TERMINI (12 MONTH).
Anoka — (M.S.A.S.) 9th Avenue from T.H. 242 to Hoffman Engineering (effective 5-15).
(M.S.A.S.) Tyler Street from 7th Avenue to Federal Cartridge (effective 5-15).
Blaine — 85TH AVENUE FROM I-35W TO 3601 (TRUCK TERMINAL IN THE CITY OF BLAINE) (12 MONTH).
Brainerd — North and South 4th Street from Washington Street to Laurel Street (effective 5-15).
Laurel Street from South 4th Street to East River Road (effective 5-15).
Burnsville — 122nd Street from Jct. I-35W to Dupont Avenue (effective 5-15).
Dupont Avenue from 122nd Street to South Jct. Lady Bird Lane (effective 5-15).
Cyrus — From 2 blocks South of Jct. T.H. 28 and C.S.A.H. 3 on Dahl Street to T.H. 28 (effective 5-15).
Detroit Lakes — RANDOLPH ROAD FROM GABOR TERMINAL TO ROOSEVELT AVENUE; THEN ROOSEVELT AVENUE SOUTH TO T.H. 10 (12 MONTH).
WEST MAIN STREET FROM JCT. T.H. 59 TO A POINT 100 FEET EAST OF SOO LINE RAILROAD TRACKS (12 MONTH).
Faribault — 2nd Avenue N.W. from T.H. 60 north to T.H. 3 (20th Street N.W.) (effective 5-15).
Fergus Falls — DOUGLAS AVENUE FROM T.H. 59 TO T.H. 210 (12 MONTH).
SHERIDAN AVENUE FROM T.H. 59 AND 210 NORTH, TO WASHINGTON AVENUE, WEST ON WASHINGTON AVENUE ONE BLOCK TO SHERMAN STREET, THEN SOUTH ONE BLOCK ON SHERMAN STREET TO JUNIUS AVENUE (12 MONTH).
FROM T.H. 210 SOUTH ON ST. ANDREWS STREET TO WEST LINCOLN AVENUE, WEST ON

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- WEST LINCOLN AVENUE TO SEWAGE PLANT ROAD. THEN SOUTH ON SEWAGE PLANT ROAD TO CENTRAL BY-PRODUCTS PLANT (12 MONTH).
- Glenwood — JCT. OF T.H. 28 AND MINNESOTA AVENUE TO NORTH LAKESHORE DRIVE, THEN NORTH LAKESHORE DRIVE TO THE WEST CORPORATE LIMITS OF GLENWOOD (12 MONTH).
- Hutchinson — Arch Street between Michigan Street and the Farmers Elevator (effective 5-15).
Michigan Street from Jct. T.H. 7 to Jct. Arch Street (effective 5-15).
- Inver Grove Heights — Maltby Road from Jct. T.H. 52 east 1700 feet (effective 5-15).
117th Street from T.H. 52 West to the entrance of the Pine Bend Landfill (effective 5-15).
- Kasson — 8th Avenue from Main Street to C.S.A.H. 34 (effective 5-15).
— 2nd Avenue from Main Street to C.S.A.H. 34 (effective 5-15).
— C.S.A.H. 34 from 8th Avenue to T.H. 57 (effective 5-15).
- Mankato — 3rd Avenue from Brooks Street to Jct. T.H. 14 (effective 5-15).
Minneopa Road from Woodland Avenue to Blue Earth River (effective 5-15).
- *Minneapolis — ARTHUR STREET N.E. FROM 18TH AVENUE N.E. TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
STINSON BOULEVARD FROM 18TH AVENUE N.E. TO BROADWAY STREET N.E. (12 MONTH).
I-35W NORTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
I-35W SOUTH FRONTAGE ROAD FROM STINSON BOULEVARD TO NEW BRIGHTON BOULEVARD (T.H. 88) (12 MONTH).
BROADWAY STREET N.E. FROM ARTHUR STREET N.E. TO JCT. T.H. 280 (12 MONTH).
ARTHUR STREET N.E. FROM SUMMER STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).
TAFT STREET N.E. FROM KENNEDY STREET N.E. TO BROADWAY STREET N.E. (12 MONTH).
INDUSTRIAL BOULEVARD N.E. FROM BROADWAY STREET N.E. TO I-35W (12 MONTH).
NEW BRIGHTON BOULEVARD FROM I-35W NORTH FRONTAGE ROAD TO SOUTH FRONTAGE ROAD (12 MONTH).
T.H. 55 (HIAWATHA AVENUE) FROM EAST 24TH STREET TO MINNEAPOLIS SOUTH CITY LIMITS (12 MONTH).
CEDAR HIGHWAY FROM EAST 24TH STREET TO MINNEHAHA AVENUE (12 MONTH).
CEDAR AVENUE FROM I-94 EXIT RAMP TO MINNEHAHA AVENUE (12 MONTH).
MINNEHAHA AVENUE FROM I-94 TO EAST 26TH STREET (12 MONTH).
EAST 26TH STREET FROM MINNEHAHA AVENUE TO 26TH AVENUE SOUTH (12 MONTH).
26TH AVENUE SOUTH FROM EAST 26TH STREET TO EAST 27TH STREET (12 MONTH).
EAST 24TH STREET FROM MINNEHAHA AVENUE TO CEDAR AVENUE (12 MONTH).
WASHINGTON AVENUE SOUTH FROM 42ND AVENUE NORTH TO 10TH AVENUE NORTH, AND FROM 10TH AVENUE SOUTH TO 14TH AVENUE SOUTH (I-35W) (12 MONTH).
OAK LAKE AVENUE FROM OLSON HIGHWAY TO 10TH AVENUE NORTH (12 MONTH).
10TH AVENUE NORTH FROM OAK LAKE AVENUE TO WASHINGTON AVENUE NORTH (12 MONTH).
10TH AVENUE SOUTH FROM WASHINGTON AVENUE NORTHERLY TO END (12 MONTH).
DOWLING AVENUE NORTH FROM WASHINGTON AVENUE TO END (12 MONTH).

*Denotes a ¼ mile deviation from the following listed routes as long as posted bridges are not utilized.

LYNDALE AVENUE NORTH FROM 42ND AVENUE NORTH TO NORTH CITY LIMITS (12 MONTH).

49TH AVENUE NORTH FROM JAMES AVENUE NORTH TO WEST CITY LIMITS (12 MONTH).

MARSHALL STREET N.E. FROM BROADWAY STREET N.E. TO EAST RIVER ROAD (12 MONTH).

EAST RIVER ROAD FROM MARSHALL STREET N.E. TO NORTH CITY LIMITS (12 MONTH).

UNIVERSITY AVENUE N.E. FROM LOWRY STREET N.E. TO NORTH CITY LIMITS (12 MONTH).

LOWRY STREET N.E. FROM MARSHALL STREET N.E. TO 6TH STREET N.E. (12 MONTH).

ELM STREET S.E. FROM KASOTA AVENUE TO 17TH AVENUE S.E. (12 MONTH).

17TH AVENUE S.E. FROM ELM STREET TO ROLLINS AVENUE S.E. (12 MONTH).

ROLLINS AVENUE S.E. FROM 17TH AVENUE TO 15TH AVENUE S.E. (12 MONTH).

UNIVERSITY AVENUE S.E. FROM 25TH AVENUE S.E. TO EAST CITY LIMITS (12 MONTH).

- Moorhead — 1ST AVENUE NORTH FROM 8TH STREET NORTH TO T.H. 10 (12 MONTH).
- Morris — Pacific Avenue from T.H. 59 to Park Avenue (effective 5-15).
- New Ulm — Front Street from 8th Street North to Center Street, then Center Street from Front Street to Valley Street, then South Valley Street from Center Street to First Street South (effective 5-15).
- Owatonna — Park Drive from County Road 75 (24th Avenue N.W.) to Railroad Tracks (effective 5-15).
- Pine City — SEVENTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE WEST, FROM 4TH AVENUE WEST TO 3RD AVENUE WEST, FROM 2ND AVENUE WEST TO RIVER (12 MONTH).
FOURTH STREET FROM HILLSIDE AVENUE TO 8TH AVENUE EAST, 5TH AVENUE EAST TO 3RD AVENUE EAST (12 MONTH).
THIRD STREET FROM 3RD AVENUE EAST TO RIVER (12 MONTH).
SECOND STREET FROM 3RD AVENUE EAST TO 2ND AVENUE EAST (12 MONTH).
FIRST AVENUE EAST FROM C.S.A.H. 61 TO RAILROAD TRACKS (12 MONTH).
SECOND AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
SECOND AVENUE EAST FROM C.S.A.H. 61 TO SECOND STREET (12 MONTH).
THIRD AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
THIRD AVENUE EAST FROM C.S.A.H. 61 TO 2ND STREET (12 MONTH).
FOURTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
EIGHTH AVENUE WEST FROM 7TH STREET TO C.S.A.H. 61 (12 MONTH).
EIGHTH AVENUE EAST FROM C.S.A.H. 61 TO 4TH STREET (12 MONTH).
HILLSIDE AVENUE FROM C.S.A.H. 61 TO FOURTH STREET (12 MONTH).
- Red Wing — Potter Street from T.H. 61 north to elevator (effective 5-15).
Plum Street from T.H. 61 to ½ block north (effective 5-15).
Broad Street from T.H. 61 to Levee Road (effective 5-15).
Levee Road from Broad Street to elevator entrance (effective 5-15).
Dakota Street from T.H. 61 to elevator entrance (effective 5-15).
- Rose Creek — 3rd Street (effective 5-15).
- Rosemount — Pine Bend Trail from Jct. T.H. 55 to 1.5 miles east (effective 5-15).
- St. Cloud — Roosevelt Road from Jct. T.H. 23 to South city limits (effective 5-15).
- St. James — 11th Street from Jct. C.S.A.H. 14 and C.S.A.H. 56 to 8th Avenue North (effective 5-15).
- St. Paul — DALE STREET FROM GRAND AVENUE TO LARPENTEUR AVENUE (12 MONTH).

OFFICIAL NOTICES

PLATO BOULEVARD FROM WATER STREET TO FILLMORE AVENUE (12 MONTH).

CHESTER STREET FROM T.H. 3 TO PLATO BOULEVARD (12 MONTH).

NORTH CLEVELAND AVENUE FROM UNIVERSITY AVENUE SOUTH TO WABASH AVENUE, THEN WABASH AVENUE ON NORTH CLEVELAND TO VANDALIA STREET, THEN VANDALIA STREET TO I-94 (12 MONTH).

EAST SEVENTH STREET FROM EAST MINNEHAHA AVENUE TO ATLANTIC STREET, THEN ATLANTIC STREET NORTH TO RAILROAD TRACKS (12 MONTH).

WACOUTA STREET FROM I-94 TO FIFTH STREET, THEN FIFTH STREET FROM WACOUTA STREET TO BROADWAY (12 MONTH).

SHEPARD ROAD FROM T.H. 5 TO WARNER ROAD, THEN WARNER ROAD FROM ITS INTERSECTION WITH SHEPARD ROAD TO T.H. 61 (12 MONTH).

FROM T.H. 5 (WEST 7TH STREET) TO KELLOGG BOULEVARD (12 MONTH).

CHESTNUT STREET FROM WEST SEVENTH STREET TO SHEPARD ROAD (12 MONTH).

KELLOGG BOULEVARD FROM WEST SEVENTH STREET TO T.H. 61 (MOUNDS BOULEVARD) (12 MONTH).

ELWAY STREET FROM SHEPARD ROAD TO MONTREAL AVENUE. THEN MONTREAL AVENUE FROM ELWAY STREET TO STEWART AVENUE. THEN STEWART AVENUE TO TEXACO TERMINAL (12 MONTH).

MINNEHAHA AVENUE WEST FROM DALE STREET TO ARUNDEL STREET (12 MONTH).

OTTO AVENUE FROM SHEPARD ROAD TO WEST 7TH STREET (12 MONTH).

WHITE BEAR AVENUE FROM I-94 TO EAST MINNEHAHA AVENUE (12 MONTH).

EAST MINNEHAHA AVENUE FROM WHITE BEAR AVENUE TO BIRMINGHAM STREET (12 MONTH).

CHILDS ROAD FROM WARNER ROAD TO THE SOUTHERLY LIMITS OF CHILDS ROAD (12 MONTH).

PRIOR AVENUE FROM UNIVERSITY AVENUE TO PIERCE BUTLER ROUTE (12 MONTH).

PIERCE BUTLER ROUTE FROM PRIOR AVENUE TO SNELLING AVENUE (12 MONTH).

MOUNDS BOULEVARD FROM I-94 TO EAST SEVENTH STREET (12 MONTH).

SNELLING AVENUE (T.H. 51) (12 MONTH).

Sauk Centre — 4th Street North from T.H. 71 to 331 North 4th Street (effective 5-15).

South St. Paul — RICHMOND STREET FROM CONCORD STREET (T.H. 56) EAST TO HARDMAN AVENUE (12 MONTH).

HARDMAN AVENUE FROM RICHMOND STREET NORTH TO I-494 (12 MONTH).

Windom — 16th STREET FROM JCT. T.H.s. 60 AND 71 TO NORTH LAKEVIEW AVENUE EXTENDED (12 MONTH).

Winona — PELZER STREET FROM JCT. T.H. 61 TO THEURER BOULEVARD (12 MONTH).

— RIVERVIEW DRIVE FROM THEURER BOULEVARD TO 2900 FEET EAST OF PRAIRIE ISLAND ROAD (12 MONTH).

— Franklin Street from Jct. T.H. 43 to Front Street (effective 5-15).

Worthington — Oxford Street from T.H. 60 to T.H. 266 (effective 5-15).

COUNTY ROADS

Anoka — C.S.A.H. 23 (Naples Street) from C.S.A.H. 32 to County Road 105 (effective 5-15).

County Road 102 (57th Avenue) from T.H. 47 to Main Street (County Road 102) (effective 5-15).

County Road 102 (Main Street) from 57th Avenue to C.S.A.H. 2 (44th Avenue) (effective 5-15).

C.S.A.H. 32 (85TH AVENUE) FROM 3601 85TH AVENUE TO 3701 85TH AVENUE (12 MONTH).

- C.S.A.H. 7 (7th Avenue) from T.H. 10 to Tyler Street (in Anoka) (effective 5-15).
T.H. 242 (Main Street) from T.H. 10 to 9th Avenue (in Anoka) (effective 5-15).
- Becker** — C.S.A.H 10 CONNECTIONS TO T.H. 10 (12 MONTH).
C.S.A.H. 10 from T.H. 10 west of Frazee to T.H. 10 east of Frazee (effective 5-15).
C.S.A.H. 7 from T.H. 10 to Front Street in City of Lake Park (effective 5-15).
C.S.A.H. 10 from T.H. 87 to South County Line (effective 5-15).
C.S.A.H. 13 from T.H. 10 to Eagle Street in City of Audubon (effective 5-15).
C.S.A.H. 30 from T.H. 87 to River Drive in City of Frazee (effective 5-15).
C.S.A.H. 84 from T.H. 59 to Soo Line Railroad in City of Callaway (effective 5-15).
- Blue Earth** — C.S.A.H. 5 (3rd Ave.) from Brooks St. (Mankato) to North LeSueur Co. Line (effective 5-15).
- Carlton** — C.S.A.H. 1 from Jct. T.H. 210 (Carlton) to Conoco Refinery (Wrenshall) (effective 5-15).
- Clay** — C.S.A.H. 11 FROM T.H. 10 TO TRUCK STOP 1/2 MILE SOUTH OF I-94 (12 MONTH).
C.S.A.H. 18 FROM JCT. C.S.A.H. 3 TO JCT. T.H. 75 (12 MONTH).
C.S.A.H. 52 FROM JCT. T.H. 9 (BARNESVILLE) TO JCT. I-94 (MOORHEAD) (12 MONTH).
- Dakota** — C.S.A.H. 32 from Jct. I-35 east 0.3 miles (effective 5-15).
- Douglas** — C.S.A.H. 41 FROM I-94 TO ITS JCT. WITH C.S.A.H. 82 (12 MONTH).
C.S.A.H. 82 FROM C.S.A.H. 41 TO ITS JCT. WITH T.H. 29 IN ALEXANDRIA (12 MONTH).
- Freeborn** — C.S.A.H. 26 from Milwaukee Railroad Tracks to Jct. I-90 (effective 7-1).
C.S.A.H. 31 from Railroad Tracks to Jct. I-35 (effective 7-1).
C.S.A.H. 46 from Jct. I-90 (Petran) easterly approximately 0.4 miles & northerly approximately 0.7 miles on Hayward Township Road to Pillsbury Elevator (effective 5-15).
- Hennepin** — C.S.A.H. 1 (OLD SHAKOPEE ROAD) — FROM NESBITT AVENUE TO I-35W (12 MONTH).
C.S.A.H. 3 (EXCELSIOR BLVD.) — FROM C.S.A.H. 18 TO T.H. 100 (12 MONTH).
C.S.A.H. 10 (BASS LAKE ROAD) — FROM I-494 TO C.S.A.H. 156 (12 MONTH).
C.S.A.H. 15 (SHORELINE BLVD.) — FROM C.S.A.H. 110 TO C.S.A.H. 19 (12 MONTH).
C.S.A.H. 18 — FROM I-494 TO T.H. 7 (12 MONTH).
C.S.A.H. 18 — FROM C.S.A.H. 10 TO I-94 (12 MONTH).
C.S.A.H. 19 — FROM T.H. 7 TO C.S.A.H. 15 (12 MONTH).
C.S.A.H. 20 (BLAKE ROAD) — FROM C.S.A.H. 3 TO T.H. 7 (12 MONTH).
C.S.A.H. 34 (NORMANDEALE BLVD.) — FROM C.S.A.H. 1 (OLD SHAKOPEE ROAD) TO I-494 (12 MONTH).
C.S.A.H. 61 — From Jct. I-94 to County Road 130 (effective 5-15).
C.S.A.H. 109 (85TH AVENUE NORTH) — FROM C.S.A.H. 18 TO T.H. 52 (12 MONTH).
C.S.A.H. 156 (WINNETKA AVENUE) — FROM C.S.A.H. 9 TO C.S.A.H. 10 (12 MONTH).
County Road 130 — From C.S.A.H. 61 to 0.45 miles northwest (effective 5-15).
- Lyon** — C.S.A.H. 33 from T.H. 59 to T.H. 23 in Marshall (12 month).
C.S.A.H. 9 from T.H. 23 to C.S.A.H. 32 in Cottonwood (12 month).
C.S.A.H. 14 from T.H. 59 to Sherman St. in Garvin (12 month).
C.S.A.H. 28 from T.H. 14 to C.S.A.H. 29 in Tracy (12 month).
C.S.A.H. 29 from T.H. 14 to C.S.A.H. 28 in Tracy (12 month).
C.S.A.H. 2 from T.H. 59 to C.S.A.H. 9 (5-15).
C.S.A.H. 9 from C.S.A.H. 2 to Twp. Rd. T-32 in Amiret (5-15).

OFFICIAL NOTICES

- C.S.A.H. 7 from T.H. 23 to T.H. 19 in Marshall (5-15).
C.S.A.H. 27 from T.H. 14 to Lake Ave. in Balatan (5-15).
C.S.A.H. 30 from T.H. 23 to T.H. 23 in Lynd (5-15).
C.S.A.H. 31 from T.H. 23 to T.H. 23 in Russel (5-15).
- Martin** — C.S.A.H. 50 from C.S.A.H. 52 to Jct. T.H. 16 (effective 5-15).
C.S.A.H. 52 from 2nd Street West in Truman to C.S.A.H. 50 (effective 5-15).
C.S.A.H. 39 from C.S.A.H. 26 to Jct. I-90 (effective 5-15).
County Road 145 from C.S.A.H. 38 to T.H. 15 (effective 5-15).
- McLeod** — C.S.A.H. 9 from Plato to T.H. 212 (effective 5-15).
C.S.A.H. 21 from North County Line to Winsted (effective 5-15).
C.S.A.H. 32 from West Jct. T.H. 212 to East Jct. T.H. 212 (effective 5-15).
County Road 81 in Glencoe (effective 5-15).
- Murray** — C.S.A.H. 29 from the City of Hadley to Jct. T.H. 30 (effective 5-15).
- Otter Tail** — C.S.A.H. 8 from T.H. 10 to North City Limits of Perham (effective 5-15).
C.S.A.H. 10 (Old T.H. 10) From Jct. T.H. 10 to North Otter Tail County Line near Frazee (effective 5-15).
C.S.A.H. 67 from Jct. C.S.A.H. 84 to South Limits of New York Mills (effective 5-15).
C.S.A.H. 80 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15);
C.S.A.H. 84 from Southeast Jct. T.H. 10 to Northwest Jct. T.H. 10 (effective 5-15).
- Pine** — C.S.A.H. 61 FROM JCT. OF T.H. 361 and T.H. 324 TO ITS JCT. WITH C.S.A.H. 11 IN PINE CITY (12 MONTH).
COUNTY ROAD 55 FROM C.S.A.H. 61 TO INDUSTRIAL PARK—PINE CITY (12 MONTH).
C.S.A.H. 8 FROM C.S.A.H. 61 TO EAST 2ND STREET (12 MONTH).
- Ramsey** — COUNTY ROAD D (C.S.A.H. 19) FROM OLD T.H. 8 TO I-35W (12 MONTH).
OLD HIGHWAY 8 (C.S.A.H. 77) FROM COUNTY ROAD D TO FIRST STREET SOUTHWEST (12 MONTH).
CLEVELAND AVENUE (C.S.A.H. 46) FROM COUNTY ROAD C TO COUNTY ROAD C-2 (12 MONTH).
COUNTY ROAD C (C.S.A.H. 23) FROM WEST COUNTY LINE TO PRIOR AVENUE (12 MONTH).
COUNTY ROAD J (C.S.A.H. 1) (OR 85TH AVENUE N.E.) IN ANOKA (12 MONTH).
COUNTY C.S.A.H. 32 FROM I-35 TO 3701 85TH AVENUE N.E. (12 MONTH).
- *Redwood** — C.S.A.H. 7 from Seaforth to Jct. T.H. 19 (effective 7-15).
C.S.A.H. 1 and 16 from Clements to Jct. T.H. 71 (effective 7-15).
C.S.A.H. 4 and 17 from Wanda to Jct. T.H. 71 (effective 7-15).
C.S.A.H. 6 from Jct. T.H. 14 to Jct. T.H. 68 (effective 7-15).
C.S.A.H. 25 and 100 from West Jct. C. & N.W. Ry. in North Redwood to South Jct. C. & N.W. Ry. (effective 7-15).
C.S.A.H. 10 and 30 from Lucan to Jct. T.H. 19 (effective 7-15).
C.S.A.H. 33 from Jct. T.H. 68 to Jct. C.S.A.H. 133 (effective 7-15).
C.S.A.H. 101 from North Redwood to Jct. T.H. 19 (effective 7-15).
C.S.A.H. 133 from Jct. C.S.A.H. 33 to Front St. (Wabasso) (effective 7-15).
C.R. 70 from Rowena to Jct. T.H. 71 (effective 7-15).
C.R. 80—entire segment (effective 7-15).

*These are seasonally restricted 10 ton routes. Effective period to carry the increased weights is from July 15th each year until the following springload restrictions go into effect.

- St. Louis — C.S.A.H. 102 from T.H. 53 to Minntac Ent. (effective 5-15).
- Sherburne — C.S.A.H. 11 from T.H. 25 to T.H. 10 (effective 5-15).
- Stearns — C.S.A.H. 75 from west Jct. I-94 to Jct. T.H. 23 in Waite Park (effective 5-15).
C.S.A.H. 75 from South City Limits of St. Cloud to Jct. I-94 near St. Augusta (effective 5-15).
- Steele — C.S.A.H. 45 from the Rice County Line South to the State Highway 14-218 interchange in Owatonna (effective 5-15).
C.S.A.H. 12 from the I-35 interchange East to the East City Limits of Medford (effective 5-15).
C.S.A.H. 9 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).
C.S.A.H. 35 from the I-35 interchange East to C.S.A.H. 45 (effective 5-15).
C.S.A.H. 25 (Bridge Street) from the I-35 interchange west to C.R. 75 (24th Avenue N.W.) and C.R. 75 (24th Avenue N.W.) from C.S.A.H. 25 North to T.H. 14 (effective 5-15).
C.S.A.H. 14 from the I-35 interchange west to C.S.A.H. 4 and C.S.A.H. 4 from C.S.A.H. 14 North to the North Limits of Hope (effective 5-15).
C.S.A.H. 1 (North Street) from C.S.A.H. 45 (Hoffman Drive) east to No. Cedar Street and C.S.A.H. 1 (N. Cedar Street) from North Street North to 11th Street (effective 5-15).
C.S.A.H. 19 (Rose Street) from C.S.A.H. 45 (Hoffman Drive) east to C.S.A.H. 8 (Grove Ave. and Mineral Springs Road) and C.S.A.H. 8 North and East to Cherry Street (effective 5-15).
- Stevens — C.S.A.H. 13 Chokio only (effective 5-15).
C.S.A.H. 9 Alberta only (effective 5-15).
C.S.A.H. 8 from C.S.A.H. 1 to Jct. T.H. 9 (Hancock) (effective 5-15).
- Traverse — C.S.A.H. 4 Browns Valley only (effective 5-15).
C.S.A.H. 100 from 12th Street to Jct. T.H. 75 (effective 5-15).
- Wabasha — C.S.A.H. 9 (Lakewood Avenue) from Jct. T.H. 61 South to South 10th Street (Lake City) (effective 5-15).
C.S.A.H. 62 (South 10th Street) from Lakewood Avenue West to Jct. T.H. 63 (Lake City) (effective 5-15).
- Waseca — C.S.A.H. 2 from C.S.A.H. 3 to C.S.A.H. 27 (effective 5-15).
C.S.A.H. 3 from Waldorf to Jct. T.H. 14 (effective 5-15).
C.S.A.H. 4 from C.S.A.H. 23 to T.H. 14 (effective 5-15).
C.S.A.H. 9 from west county line to C.S.A.H. 3 (effective 5-15).
C.S.A.H. 12 from C.S.A.H. 1 to T.H. 13 (effective 5-15).
C.S.A.H. 27 from C.S.A.H. 9 to C.S.A.H. 2 (effective 5-15).
C.S.A.H. 2 from C.S.A.H. 27 to T.H. 14 (effective 5-15).
C.S.A.H. 27 from C.S.A.H. 2 to C.S.A.H. 5 (effective 5-15).
C.S.A.H. 5 from C.S.A.H. 27 to C.S.A.H. 30 (effective 5-15).
C.S.A.H. 30 from C.S.A.H. 5 to T.H. 13 (effective 5-15).
C.R. 57 from C.S.A.H. 27 to C.S.A.H. 4 (effective 5-15).
- Washington — C.S.A.H. 16 from the west ramps of I-494 to Woodlane Drive in Woodbury (effective 5-15).
C.S.A.H. 19A FROM JCT. T.H. 61 TO MILWAUKEE RAILROAD IN COTTAGE GROVE (12 MONTH).
C.S.A.H. 21 from C.S.A.H. 28 to C.S.A.H. 23 (effective 5-15).
C.S.A.H. 22 FROM T.H. 61 TO JCT. WITH C.S.A.H. 38 (12 MONTH).
C.S.A.H. 23 from C.S.A.H. 21 to Lookout Trail North (TH 36) (effective 5-15).
C.S.A.H. 38 FROM JCT. WITH C.S.A.H. 22 TO JCT. WITH I-494 (12 MONTH).

OFFICIAL NOTICES

COUNTY ROAD 66 (GREELY STREET) FROM T.H. 36 TO CURVE CREST BOULEVARD IN STILLWATER (12 MONTH).

C.S.A.H. 28 FROM STATE PRISON ENTRANCE ROAD TO C.S.A.H. 21 (12 MONTH).

- Watowan — C.S.A.H. 10 from Jct. C.S.A.H. 23 to Jct. T.H. 15 (effective 5-15).
C.S.A.H. 12 from Jct. T.H. 60 to Jct. T.H. 4 and C.S.A.H. 14 in St. James (effective 5-15).
C.S.A.H. 14 (11th Street South in St. James) from Jct. T.H. 4 to Jct. C.S.A.H. 56 (1st Avenue South) (effective 5-15).
C.S.A.H. 56 (1st Avenue South in St. James) from C.S.A.H. 14 to Jct. T.H. 4 (effective 5-15).

May 15, 1984

Richard P. Braun
Commissioner of Transportation

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
27-156-40599	Typewriters	Normandale Community College	Bloomington	Contact buyer
27-150-40736	Lanier Word Processing System	Mesabi Community College	Virginia	Contact buyer
32-300-11214	Purch. Word Processing System	MN Pollution Control Agency	Roseville	Contact buyer
04-511-22706	Purchase of Photocopy machine	MN Dept. of Agriculture	MN Trade Office, St. Paul	Contact buyer
07-200-29756 Contract	Communication Supplies Snow Removal	Public Safety N. Hennepin Community College	St. Paul Brooklyn Park	Contact buyer Contact buyer
29-007-32677	Tree Marking Paint	Natural Resources	Same	Contact buyer
26-073-16295	Lounge Furniture—Addendum #1	St. Cloud State University	St. Cloud	Contact buyer
21-200-07791	Repair of Trane Centrifugal Chiller	Economic Security	Mpls.	Contact buyer
27-000-41431	Carpeting & Install	Austin Community College	Austin	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-41881 Contract	Automated Vehicle Classifier Anti-Freeze	Transportation Various	St. Paul Various	Contact buyer 20,000-30,000
32-200-11249-50	Purchase of Rainbow Computer System	MN Pollution Control Ag.	Roseville	Contact buyer
78-770-01904	Radio Equipment	Transportation	St. Cloud	Contact buyer
55-000-87890, 55-000-87888	Printed Envelopes	Public Welfare	St. Paul	Contact buyer
78-830-06866	Walkie Talkies	MN Correctional Facility	St. Cloud	Contact buyer
02-410-43519 & 20	Purchase of Photocopy Machine	Information Services Bureau	St. Paul	Contact buyer
27-155-38977	Purchase of Photocopy Machine	Rainy River Community College	International Falls	Contact buyer
02-511-41407, 777788	Employees Bi Weekly Time Report	Central Stores	St. Paul	Contact buyer
79-500-02651 21-602-83835	Precast concrete Products Van	Transportation Vocational Rehabilitation	Same N. St. Paul	Contact buyer Contact buyer
78-550-04369	Wood Stripping System Rebid	MN Corrections Facility-Lino Lakes	Industries (Lino Lakes)	Contact buyer
79-000-41858, 41866	Mast Arm Poles	Transportation	St. Paul	Contact buyer
26-072-08627	Pole Vault Pit Addendum #1	Moorhead State University	Moorhead	Contact buyer
07-500-29751	Radio Communications Shelter	Public Safety	St. Paul	Contact buyer
32-200-11242	Purchase of Computer System	MN Pollution Control	Roseville	Contact buyer
Contract	State Patrol Uniforms	Mn. State Patrol	Various	100-000-110,000
65-300-02526	Purchase of Disk Cartridges & Packs	Supreme Court	10th Judicial Dist. Data Ctr.	Contact buyer
26-073-16201	Furnish and Install Weight Lifting Equipment	St. Cloud State University	St. Cloud	Contact buyer
79-050-14792	Treated Lumber Rebid	Transportation	Same	Contact buyer
21-200-07543	Instantizing & Packaging Non-Fat Dry Milk Rebid	Economic Security		Contact buyer
contract	Drinking water & cooler rentals	Various	Various	86,000-87,000

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Economic Security

Request for Proposal — Graphics Arts Services

The Department of Economic Security is requesting proposals for bids to provide a variety of graphic arts services beginning in July, 1984. This contract will cover such tasks as concept development, graphic design and layout, special typesetting, and illustration for a variety of the department's publications. Respondents will be asked to provide a portfolio, staff qualifications and a fee schedule which will be effective during the life of the contract. The successful respondent will be assigned tasks within the scope of the contract as needed by the Department. Total amount of the contract will not exceed \$20,000.

For more information and a complete copy of the request for proposal, contact:

Rick Naymark
Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101
(612) 296-2369

Proposals will be accepted until June 8, 1984.

STATE CONTRACTS

Department of Health Division of Environmental Health

Contract for Consultants' Services to Provide Radiation Exposure Dose Assessment and Protective Action Guidance

The Minnesota Department of Health is requesting proposals from qualified Health Physicists for consulting services to provide assistance in determining protective actions necessary during accidents involving radioactive materials—particularly at nuclear power reactors and during drills and meetings in preparation for such emergencies.

Qualifications for the consultants are: Master's degree in Health Physics or equivalent field, 3 years of experience in a radiation safety program and familiarity with the Criteria for Radiological Emergency Response Plans required by the Federal Emergency Management Agency. The consultants must be able to respond during emergencies and be available for drills and meetings.

Consulting services will be needed for an estimated 7 days plus 50 hours meeting time during the coming year. Up to \$3000 each for two consultants is available. The deadline for submission of proposals is June 15, 1984.

Proposals and inquiries should be directed to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
(612) 623-5323

State Designer Selection Board

Request for Proposal for Four State Projects

TO ARCHITECTS AND ENGINEERS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a number of State Projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., June 13, 1984, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½"×11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
 - a) Number and name of project.
 - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
 - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
 - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
 - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
 - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "C" have had significant participation and their roles must be clearly described.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

- 7a) *Project — 7-84*
Building Addition
Rochester Community College
Rochester, Minnesota
Total Project Allocation: \$2,850,000.00

This project involves the construction of a building addition of approximately 30,000 gross square feet that will be connected to the existing campus buildings in some manner. Included in the building will be administrative and faculty offices, conference and seminar rooms, a nursing lab, a computer science lab, and approximately thirteen classrooms.

Additional information concerning this project may be obtained from Don Wagner at (612) 296-8809.

- 7b) *PROJECT 8-84*
Asbestos Removal
Lakewood Community College
White Bear Lake, Minnesota
Total Project Allocation: \$750,000.00

This project involves the removal of the insulating and fire proofing material on the ceilings of Phases I and III that contain asbestos. There is approximately 41,000 square feet of exposed ceiling and 170,000 square feet with a lay-in ceiling.

Additional information concerning this project may be obtained from Don Wagner at (612) 296-8809.

- 7c) *PROJECT 9-84*
Business Technology Building and
Gymnasium Addition Planning
North Hennepin Community College
Brooklyn Park, Minnesota
Total Project Allocation: \$2,713,000.00

This project involves the construction of a business technology building of approximately 32,100 gross square feet and the planning for the future construction of an addition of approximately 8,280 gross square feet to the gymnasium building. The business technology building will contain nursing labs, marketing lab, community services meeting and conference rooms, business labs, classrooms, and faculty offices.

Additional information concerning this project may be obtained from Don Wagner at (612) 296-8809.

STATE CONTRACTS

7d) Project — 10-84

Provide Mechanical Ventilation
Moose Lake State Hospital
Moose Lake, Minnesota
Total Project Allocation: \$578,000.00

Buildings No. 1, 3, and 4 are living units for the chemically dependent, and Building No. 2 is a living unit for the mentally retarded.

Proper ventilation of living units is required to eliminate odors and to reduce health hazards due to airborne infections, smoke, etc. These 4 buildings do not have a mechanical ventilation system. The only means of getting fresh air is by opening windows, which has a substantial impact on energy consumption during the heating season.

Ventilation requirements are addressed in the following regulations or codes:

Minnesota State Board of Health Rules and Regulations for the Licensing of Hospitals, Section MHD 1102, Subdivision (a)(9).

Minnesota State Board of Health Regulations for Licensing of Supervised Living Facilities, Section MHD 393, Subdivision (d).

Additional information concerning this project may be obtained from Bruce Taber at (612) 296-4645.

Roger D. Clemence, Chairman
State Designer Selection Board

SUPREME COURT

Decisions of the Court of Appeals Filed Tuesday, May 8, 1984

Compiled by Wayne O. Tschimperle, Clerk

CX-83-1820 State of Minnesota, by Irene Gomez-Bethke, Commissioner, Department of Human Rights v. Office of County Auditor, Douglas County, by William J. Anderson, County Auditor, Relator. Department of Human Rights.

Offering a job to a more qualified female candidate at a lower salary than later offered to a male candidate constitutes sex discrimination.

Affirmed. Popovich, C.J.

C6-84-187 Wicker Enterprises, Inc., et al., Relator, v. Maxine K. Dahler, Commissioner of Economic Security. Department of Economic Security.

The Commissioner's decision refusing to remand the case for a hearing where relator failed to appear at the time specified for the original hearing and did not seek a continuance of the hearing was not arbitrary or unreasonable.

Affirmed. Popovich, C.J.

C9-83-2005 Duane Haas, d/b/a Duane Haas Electric, and Olson Sheet Metal Works, Inc. v. Wilber H. Harris, Appellant. Hennepin County.

The record supports the decision that the officer of a corporation entered into agreements on his own for an undisclosed principal and is personally liable on the contracts.

Affirmed. Parker, J.

C7-83-1631 Timothy Joseph Pan, Petitioner, Appellant, v. Commissioner of Public Safety. Rice County.

The trial court finding, that Officer Everett had reasonable and probable grounds at the time he arrested Pan to believe that Pan was the driver of the car, is reasonably supported by the evidence since Pan was in the driver's seat and passengers told the officer Pan was the driver.

A trial court is justified in refusing to admit officers' reports where no attempt was made to lay a proper foundation for their admission.

Affirmed. Foley, J.

C2-83-1942 State of Minnesota v. Brian Rathbun, Appellant. Fillmore County.

Stabbing and slashing a victim 23 times with a hunting knife shows particular cruelty and justified the trial court's upward departure from the recommended sentence under the guidelines.

Affirmed. Wozniak, J.

C1-83-1947 State of Minnesota v. Craig M. Dugan, Appellant. Hennepin County.

Under the plea agreement, the defendant was not entitled to any credit for time served for a prior misdemeanor conviction. The trial court followed the plea agreement and, therefore, the defendant had no right to withdraw his guilty plea.

Affirmed. Wozniak, J.

C9-83-1436 Carol Peck, et al, petitioners v. Independent School District No. 16, Appellant. Anoka County.

Where school board's findings are supported by substantial evidence and are not based on an erroneous theory of law, the court may not substitute its findings for those of the board.

The terms of the Agreement between the parties prevent a teacher who had not successfully taught a subject in the school district from bumping a less senior teacher who has taught that subject.

Reversed. Sedgwick, J.

C4-83-1828 Anda Construction Co., et al., Appellants, v. First Federal Savings and Loan Association, Duluth. St. Louis County.

The record supports the trial court's findings that three disputed disbursements made by the lending institution to itself were authorized by the mortgagor, and that the mortgagor waived his right to object and acquiesced in the disbursements.

A lending institution is entitled to attorney's fees on appeal when authorized by the contract and permitted by statute.

Affirmed. Lansing, J.

C0-84-38 Raymond Mark Schafer, petitioner, v. Commissioner of Public Safety, Appellant. Dakota County.

Minn. Stat. §§ 169.121, subd. 1 and 169.123, subd. 2 (1982) apply to persons who drive, operate, or exercise physical control of motor vehicles on private property while under the influence of alcohol.

The trial court's failure to make findings of fact on the issue of probable cause was error.

Reversed in part and remanded for findings of fact. Leslie, J.

C8-83-1511 State of Minnesota v. Clifton Liggons, Appellant. Hennepin County.

Circumstantial evidence established probable cause for defendant's arrest.

The evidence submitted at trial was sufficient as a matter of law to support the claim that defendant committed the crime charged.

The defendant's claim of self-defense was not supported by the evidence, absent evidence of an attempt to retreat or reason to believe the victim would inflict upon him great bodily harm.

In this case, no rational view of the evidence would permit a conviction of first-degree manslaughter.

Affirmed. Leslie, J.

CX-83-1235 Melvin J. Klimek, as Trustee for the next of kin of Keith Norman Klimek, deceased, Appellant, v. State Farm Mutual Automobile Insurance Agency. Douglas County.

After the execution of a Pierringer-type release, the non-settling defendant is liable only for that part of the award which is his percentage of causal negligence. He will not be required to pay more than his fair share of damages, as determined by the fact finder's determination of comparative negligence.

The trial court could not enforce a contract allegedly entered into between the parties where it was not properly before the trial court.

Affirmed. Randall, J.

C3-83-1755 In re the Marriage of: Monica Irene Ebnet, petitioner, v. Robert David Ebnet, Appellant. Lac Qui Parle County.

The trial court did not abuse its discretion in awarding custody of the parties' minor child to the wife.

The value placed upon the parties' home by the trial court was within a "reasonable range of figures." It was not an abuse of discretion, and in fact was based on valuation and home improvement data supplied by appellant husband.

Affirmed. Randall, J.

SUPREME COURT

C6-83-1376 Neoma Peterson, as Trustee for the Heirs of Rodney R. Peterson v. Little-Giant Glencoe Portable Elevator Division of Dynamics Corporation of America, Easterlund Implement, Inc., Appellant, Prince Manufacturing Corporation. LeSueur County.

Extent to which a mid-trial settlement should be disclosed to the jury rests in the sound discretion of the trial court; the trial court did not abuse its discretion in limiting disclosure of mid-trial settlements where evidence of negligence or strict liability of all parties was submitted to the jury.

A tortfeasor is entitled to contribution from a joint-tortfeasor who, by virtue of the Workers Compensation Act, has no liability to the plaintiff, when the joint-tortfeasor's negligence exceeds that of the plaintiff.

A special verdict of negligence but no strict liability against manufacturers of a product is consistent and reconcilable where theories of recovery are founded on both failure to warn and on a defective condition unreasonably dangerous to the user.

Evidence was sufficient to create jury issues on all questions of negligence or strict liability and the trial court properly denied motions for directed verdict.

Affirmed. Nierengarten, J.

C3-84-177 State of Minnesota v. Perlina Rogers, Appellant. Hennepin County.

The dangerousness of a defendant and a factor already considered by the legislature in determining the elements of a mandatory minimum sentence are not proper factors for a durational departure.

Remanded for resentencing. Nierengarten, J.

C0-83-1163 Terrance Alholm, Appellant, v. Richard E. Wilt, d.b.a. Lakeside Bar, North River Insurance Company, William C. Miles. Crow Wing County.

Appeal was timely when taken within 30 days of an order denying a new trial, even though the time to appeal from the original judgment had expired.

Trial court should not have directed a verdict where sufficient evidence was introduced at trial to require submission of the issue of innkeeper's liability to the jury.

Evidence supported the jury's verdict in favor of appellant upon the theory of dram shop liability.

Reversed and remanded. Forsberg, J.

C9-83-1422 State of Minnesota v. Kevin Daryl Hatlestad, Appellant. Mille Lacs County.

An arresting officer had no duty to assist a driver who requested an additional chemical test under Minn. Stat. § 169.123, subd. 3.

When charges were clearly stated in pre-trial proceedings, a "DWI" traffic ticket was an adequate form of complaint to try defendant under Minn. Stat. § 169.121, subd. 1(a) and subd. 1(d).

Trial court jury instructions adequately addressed the presumption of defendant's innocence.

Pre-trial disclosure was adequate on an officer's testimony about removing a bottle of brandy from defendant's car.

Affirmed. Crippen, J.

C8-83-1623 David R. and Patricia B. Odell, Appellants, v. City of Eagan, Minnesota. Dakota County.

The denial of plaintiffs' application for preliminary plat approval, which met all subdivision zoning requirements, was unreasonable.

Plaintiffs are not entitled to damages or attorney's fees under 42 U.S.C. §§ 1983, 1988 (1976).

Reversed and remanded. Huspeni, J.

Decision of the Supreme Court Filed Friday, May 4, 1984

Compiled by Wayne O. Tschimperle, Clerk

CX-82-110, C9-82-986 Intercontinental Packaging Company, a Minnesota Corporation, v. Joseph Novak, Director of the Minnesota Department of Public Safety, et al., Appellants. Ramsey County.

A system of state regulation, under which liquor wholesalers must file their prices and keep the prices constant for most of each month, is not preempted by the Sherman Antitrust Act, 15 U.S.C. § 1 (1982).

Reversed. Coyne, J.

Decisions of the Supreme Court Filed Friday, May 11, 1984**Compiled by Wayne O. Tschimperle, Clerk**

C1-82-1548 Harold J. Baker and Linda C. Baker, v. Citizens State Bank of St. Louis Park, Appellant. Hennepin County.

A pre-existing debt is insufficient consideration to support a mortgage and loan guarantee pledged by a third-party guarantor.

A promise to forebear from calling a debtor's outstanding loans, whether verbal or implied by the circumstances, can be sufficient consideration to support a mortgage and a loan guarantee by a third-party guarantor.

Under the circumstances present in this case a seven day period between the promise to forebear and the demand for payment is insufficient as consideration.

Affirmed. Amdahl, C.J.

C0-83-322 Sandra L. Ferguson v. Illinois Farmers Insurance Group Co., Appellant, and Kenneth Eichten and Stanley Eichten, Patrick Ferguson. Blue Earth County.

Future medical expenses may not be deducted pursuant to the No-Fault Act from the tort recovery of a plaintiff and allocated for payment by the insurer even when the insurer is a party to the lawsuit and is able to challenge the amount awarded as damages. The insurer is allowed a credit in the amount of medical expenses awarded by the jury. The insurer's remaining liability is activated only after the net recovery of future medical expenses from the tortfeasor is exhausted.

The jury's award as a lump sum estimate of future medical expenses does not cap the amount plaintiff can recover against a no-fault carrier. The No-Fault Act provides for the reimbursement of actual expenses.

When a jury determines that an insured has incurred future medical disability, that finding and award precludes a lapse of disability and medical treatment from occurring for purposes of Minn. Stat. § 65B.55, subd. 2.

Reversed and remanded. Todd, J.

C4-83-405 Paul Francis Goblisch v. Commissioner of Public Safety, petitioner, Appellant. Carver County.

The Commissioner of Public Safety has a policy of dismissing implied consent proceedings against all defendants who plead guilty to charges of driving while intoxicated and have their driver's licenses revoked. This policy does not constitute unlawful discrimination against defendants who choose to exercise their right to a trial. However, implied consent proceedings must also be dismissed against defendants who go to trial, are convicted of driving while intoxicated, and have their driver's licenses revoked.

Affirmed. Yetka, J.

C9-82-860 State of Minnesota v. David Zeimet, Appellant. Hennepin County.

Trial court did not prejudicially err in any of its evidentiary rulings; prosecutor did not commit prejudicial misconduct in closing argument; trial court properly instructed the jury; and defendant was properly convicted of two counts of felony murder.

Affirmed. Scott, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court County of Hennepin, Fourth Judicial District

City of Minneapolis Assessor, Gordon Moe, Appellant, v. The Commissioner of Revenue, Appellee, Docket No. 3874

Findings of Fact, Conclusions of Law, and Order for Judgement

The above matter was tried by the Minnesota Tax Court, Judge Carl A. Jensen presiding, in the Courtroom of the Minnesota Tax Court in St. Paul, Minnesota, on November 3, 1983.

Richard T. Todd, Assistant Hennepin County Attorney, appeared on behalf of the Appellant.

James W. Neher, Special Assistant Attorney General, appeared on behalf of Appellee.

Briefs were subsequently filed by the parties.

SYLLABUS

1. A company whose only property is a railroad line and track and which allows the use of that track on a fee per car basis is construed to be a railroad company under Minn. Stat. § 270.80, subd. 2.

FINDINGS OF FACT

1. The Southeast Corporation was incorporated in the year 1938.
2. The only assets owned by the Southeast Corporation are its railroad tracks and the underlying property.
3. The sole business activity of Southeast Corporation is and always has been to provide and maintain a line of railway to the industries located adjacent to its tracks. The Southeast Corporation charges a user fee of \$2.00 per car to the company using the car.
4. The only use made of Southeast Corporation's property is the movement of freight by the Minnesota Transfer Railway.
5. The Southeast Corporation makes its line of railway available without discrimination to all members of the public in need of such service.
6. The Southeast Corporation should be construed to be a railroad company under Minn. Stat. § 270.80 and its property should be subject to taxation and assessment under Minn. Stat. § 270.81.

CONCLUSIONS OF LAW

1. The Southeast Corporation is construed to be a railroad company under Minn. Stat. § 270.80 and its property, which consists solely of railroad tracks and the underlying property, should be taxed and assessed as provided under Minn. Stat. § 270.81.

LET JUDGMENT BE ENTERED ACCORDINGLY.

May 4, 1984

By the Court,
Carl A. Jensen, Judge
Minnesota Tax Court

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